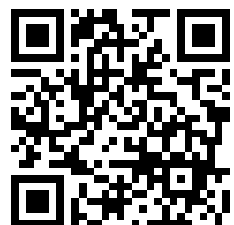


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Hawaiian Islands Laws

1870







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# HAWAIIAN ISLANDS

Laws

At Session  
1870

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HONOLULU: printed, 1870.

WASHINGTON, D. C. : reprinted, 1930.

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**LAWS**  
**OF HIS MAJESTY**  
**KAMEHAMEHA V.**  
**KING OF THE HAWAIIAN ISLANDS,**  
**PASSED BY THE**  
**LEGISLATIVE ASSEMBLY,**  
**AT ITS SESSION,**  
**1870.**



**HONOLULU:**  
**PRINTED BY ORDER OF THE GOVERNMENT.**  
**1870.**



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SESSION LAWS—1870.

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CHAPTER I.

AN ACT

TO DECLARE THE PENAL CODE, AS COMPILED AND PUBLISHED  
BY THE JUDGES OF THE SUPREME COURT TO BE THE  
LAW OF THE LAND.

*Be it Enacted by the King and the Legislative Assembly of the  
Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. The Code of Penal Laws of the Kingdom, as compiled and published under the direction of the Judges of the Supreme Court, in conformity with the Act, approved upon the twenty second day of June, in the year One Thousand Eight Hundred and Sixty-eight, is hereby declared to be the Law of the land, and shall be respected accordingly, in all the Courts of the Kingdom.

SECTION 2. This Act shall take effect immediately.

Approved this 7th day of July, A. D. 1870.

KAMEHAMEHA R.

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CHAPTER II.

AN ACT

TO ENLARGE THE JURISDICTION OF POLICE COURTS.

*Be it Enacted by the King and the Legislative Assembly of the  
Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. The several Police Courts shall have concurrent criminal jurisdiction, co-extensive with the several Judicial Cir-

cuits, of all offences whereof the District Courts now have jurisdiction.

SECTION 2. This Act shall take effect, immediately.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

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## CHAPTER III.

### AN ACT

#### TO INDEMNIFY THE MINISTER OF FINANCE

WHEREAS, it appears by the Report of the Minister of Finance that the sum of Two Thousand Dollars, was paid to Gerrit P. Judd, to save the interest of the Government in a certain leasehold estate, the last customary appropriation to that effect, having been accidentally omitted ; and

WHEREAS, it appears that said amount was paid after careful consideration, by order of the Cabinet Council ; and

WHEREAS, the Minister of Finance has requested a Bill indemnifying those, legally responsible, and discharging them from further liability on account of the aforesaid expenditure ; now, therefore,

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. The Minister of Finance and all others, legally responsible are hereby indemnified and discharged from all liability on account of the expenditures above mentioned, and that the accounts of the Finance Department be adjusted accordingly.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER IV.

## AN ACT

TO AMEND CHAPTER 16, SECTION 17, OF THE PENAL CODE.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:*

SECTION 1. Section 17 of Chapter 16, of the Penal Code, be, and the same is hereby amended so as to read as follows :

“SECTION 17. That whoever shall steal any neat Cattle, Horse, Mule, Ass, Sheep, Goat, Swine, or Deer, not exceeding the value of One Hundred Dollars, shall upon conviction before any Police or District Justice, be punished by imprisonment at hard labor, not more than two years, nor less than one month, in the discretion of the Court.”

SECTION 2. This Act shall become a law, from and after the date of its passage.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER V

## AN ACT

TO AMEND THE LAW RELATIVE TO GAMING.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:*

SECTION 1. Whoever is guilty of gaming, shall be punished by fine, not exceeding One Hundred Dollars, and by imprisonment at hard labor, not exceeding sixty days.

SECTION 2. The second, third and fourth Sections of Chapter XXXIX in the Penal Code, relative to gaming, are hereby repealed.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER VI.

## AN ACT

## RELATING TO LIENS ON DOMESTIC SHIPS AND VESSELS.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. There shall be a lien on all Domestic Ships and Vessels, for necessary supplies furnished and repairs made, which shall be effective for twenty days and no longer, except as provided in the succeeding Section. But no such lien shall attach, unless there be a written order, or some other memorandum in writing, signed by the master, at or before the time when such supplies were furnished, or repairs made, which said written order or memorandum must set forth, that said supplies or repairs were necessary, and that the same were demanded on the credit of the vessel.

SECTION 2. If any Ship or Vessel to which such lien shall attach, by force of the preceding section, shall leave port before the expiration of twenty days, and shall afterwards arrive at, or return to the port of Honolulu ; such lien shall continue effective, for ten days after the arrival or return of such ship to Honolulu.

SECTION 3. Such liens may be enforced by a libel in the Admiralty, to be filed in the office of the clerk of the Supreme Court, all subsequent proceedings upon which shall be according to the ordinary proceedings in Admiralty Courts. But no proceedings shall be had upon any libel, not filed while such lien continues effective.

SECTION 4. All acts and parts of acts inconsistent herewith are repealed. Nor shall any lien, for repairs and supplies, in cases not provided for in this Act, be enforced against any Domestic Ship or Vessel.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER VII.

## AN ACT

TO ENLARGE THE JURISDICTION OF THE POLICE COURTS IN CERTAIN CASES OF AGGRAVATED ASSAULT.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom Assembled :*

SECTION 1. The several Police Courts of Honolulu, Hilo and Lahaina shall have concurrent jurisdiction with the Supreme Court, and Circuit Courts, of all cases of assault with knives, sword canes and other weapons, obviously and imminently dangerous to life, except as is hereinafter provided.

SECTION 2. In cases where the offence is not of a highly aggravated character, said Police Courts may punish the offender by fine, not exceeding two hundred dollars, and by imprisonment not exceeding two years ; but in cases where such punishment would be inadequate, the offender shall be committed for trial according to existing provisions of law.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER VIII.

## AN ACT

TO PROVIDE FOR THE ASSESSMENT OF A PART OF THE EXPENSE OF CONSTRUCTING ROADS UPON ESTATES BENEFITTED THEREBY.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. Whenever a Commission shall be appointed within the electoral districts of Honolulu and Hilo, pursuant to the provisions of the 186th Section of the Civil Code, to assess the value of private property, required for public use, in the laying out of a new road or highway, the Commission shall determine

what estates are especially benefitted by such road or highway, and the amount of especial benefit accruing to each.

**SECTION 2.** The Commission shall award the proportion of the whole expense of laying out and constructing the proposed road or highway, which ought to be assessed upon estates benefitted, and the proportion to be paid for, from the public treasury.

**SECTION 3.** The Commission shall report, in writing to the Minister of the Interior, the whole amount which ought to be assessed upon estates benefitted, and the amount of especial benefit accruing to each estate ; and thereupon, the Minister shall cause to be computed the rateable proportion of cost, to be borne by each estate, in excess of the assessed value of any portion of the same estate, which may be required for the proposed highway.

**SECTION 4.** A certificate of such computation, shall be filed in the office of the Registrar Conveyances, and thereupon a lien shall attach to each estate, in favor of the government, for the rateable amount appearing to be due, which shall have precedence of all other claims whatever. But no personal liability shall attach to the owners of the estate.

**SECTION 5.** After the aforesaid certificate shall have been filed in the office of the Registrar of Conveyances, a certified copy shall be served upon the owner of such estate, if known, or posted up in such conspicuous part of the estate, if not known, together with a notification to pay the amount computed against such estate, to some person, and at some place, therein named, within ninety days.

**SECTION 6.** If the amount shall not be paid according to such notification, the Minister of the Interior shall order the same to be sold at public auction, by causing a notice of the time and place of the sale, to be printed three times successively in the Government Gazette. Such further notice shall be given, as to said Minister of the Interior, shall seem proper.

**SECTION 7.** The amount assessed upon such estates, shall be deducted from the proceeds of the sale, and the expenses shall

also be deducted, but the remainder shall be repaid to the owner of the estate.

SECTION 8. Any person aggrieved by the determination of said commission, may appeal therefrom, to the Supreme Court; upon which appeal, like proceedings shall be had, as in appeals from district justices.

SECTION 9. Whenever delay shall have occurred in the construction of a road, after it has been duly laid out, the Minister of the Interior may appoint a commission to determine the cost of completion, and benefit specially accruing to the estates of individuals; and the proceedings of such commission shall be the same, as to awarding the proportions of expense, as in cases of original laying out.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

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## CHAPTER IX.

### AN ACT

#### RELATING TO THE ABATEMENT OF NUISANCES.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:*

SECTION 1. The Supreme Court and the several Circuit Courts shall have jurisdiction concurrently with the District and Police Courts, of all cases of Common Nuisances.

SECTION 2. Whenever any person shall be convicted in the Supreme Court or any Circuit Court of maintaining a common nuisance, the Court shall order that said nuisance be abated. Such order shall not operate to suspend or vacate the sentence imposed, but shall be a wholly cumulative remedy. In case the order shall not have been made at the time of imposing the sentence, it may be made at any regular term of the same Court; or of the Supreme Court, holden within two years there



after, upon motion by the Attorney General, and reasonable notice to the defendant. Upon the hearing of such motion, the judgment previously rendered, shall be conclusive evidence of the maintenance of the nuisance.

**SECTION 3.** All orders for the abatement of a nuisance shall direct, under a penalty, that the same be abated, within a time to be limited in such order, and that, if the same be not abated within such time, that the proper executive officer of the law, do forthwith abate the same at the cost of the defendant, who shall also be liable to the full amount of the penalty specified in such order, for which, as well as all costs and expenses arising in such case, execution shall duly issue.

**SECTION 4.** All Acts and parts of Acts inconsistent herewith are repealed.

Approved this 8th day of July, A. D. 1870.

**KAMEHAMEHA R.**

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## CHAPTER X.

### AN ACT

**TO REPEAL AN ACT ENTITLED "AN ACT TO PERMIT DIVORCED PERSONS TO MARRY AGAIN," APPROVED MAY 24th, A. D. 1866, AND TO RE-ENACT SECTION 1334 OF THE CIVIL CODE, WITH AMENDMENT.**

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

**SECTION 1.** That the Act, entitled "An Act to permit divorced persons to marry again," approved May 24th, A. D. 1866, be and the same is hereby repealed.

**SECTION 2.** Section 1334 of the Civil Code is hereby re-enacted and shall read as follows :

**"SECTION 1334.** Whenever any marriage shall be dissolved

for adultery, or other offense amounting thereto, the innocent party may marry again at any time, but the guilty party shall not marry again until one year shall have elapsed from the date of the decree of the Court or Justice, granting the divorce, unless the innocent party shall have deceased within said year, in which case the guilty party may thereupon marry again."

SECTION 3. This Act shall become a law, from and after the date of its passage.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

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## CHAPTER XI.

### AN ACT

TO SECURE THE PAYMENT OF WORKMEN IN CASES OF BANKRUPTCY.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. All claims for personal labor shall be preferred in cases of Bankruptcy, and paid in full out of any assets remaining in the hands of the assignees after payment of such debts as are now preferred by law. But no claims shall be so preferred, which shall have accrued more than forty days before an act of Bankruptcy; and if the amount due to any person shall exceed the sum of fifty dollars; then no more shall be paid in full, but a dividend shall be declared on the remainder rateably with the claims of other creditors.

SECTION 2. All acts and parts of acts inconsistent herewith, are repealed.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER XII.

## AN ACT

RELATING TO THE EXPENSES OF CUSTOM HOUSE GUARDS.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. A new Section shall be added to the Civil Code, immediately after Section 552, to read as follows :

SECTION 552 A. Every vessel of not more than 500 tons, shall be allowed six days, and every vessel of 500 tons, and upwards, shall be allowed twelve days, after entry, in which to discharge, but for all days in excess, the compensation of the officer specified in the preceeding Section, shall be a charge against the vessel. Sundays and holidays shall not be counted in the number of days allowed for discharge at the expense of the Government.

Approved this 8th day of July, A. D.1870.

KAMEHAMEHA R.

## CHAPTER XIII.

## AN ACT

TO AMEND SECTION 3 AND 7 AND REPEAL SECTION 5 OF CHAPTER LXXXV OF THE PENAL CODE.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. That Section 3 of Chapter LXXXV of the Penal Code, be and hereby is amended to read as follows :

"3. Any person who shall shoot, snare or otherwise destroy any bird, brought from a foreign country for the pur

pose of propagating its species within this Kingdom, or any of the progeny of such imported bird ; or who shall disturb the eggs and nests of such birds, shall, on conviction, before any Police or District Justice, be fined not less than ten dollars, nor more than twenty dollars, for each offense, and in default of payment, be imprisoned until such fine is paid."

SECTION 2. That Section 7 of the said Chapter be, and hereby is amended to read as follows :

"7. No person shall shoot or otherwise destroy any animals 'Feræ Naturæ,' which shall have been introduced into this Kingdom, within ten years, nor the progeny of such animals, under a penalty of not more than fifty dollars for each offense."

SECTION 3. That Section 5 of said Chapter, is hereby repealed.

SECTION 4. This Act shall take effect and become a law from and after the date of its passage.

Approved this 8th day of July, A. D. 1870.

KAMEHAMEHA R.

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## CHAPTER XIV.

### AN ACT

TO AMEND THE STATUTE REGULATING THE SALE OF AWA.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. That Sections 1, 2, 3, and 4, Chapter LV of the Penal Code, be and the same are hereby amended to read as follows :

"1. The Minister of the Interior may grant licenses for the term of one year to sell Awa, to any person of good character

making application for the same, on receiving from the applicant, the sum of Five Hundred Dollars in Honolulu, Three Hundred Dollars in Lahaina, Wailuku or Hilo, and One Hundred Dollars in each other District : Provided that no more than three Licenses shall be granted in Honolulu, and one in each other collection District. It being however, further expressly understood, that every one wishing for the Licenses, shall make his application on or before the first day of November, of each year, and the License shall take effect on the first day of January following : and if there shall be more applicants than the number of Licenses which may be allowed by law, the Licenses shall be set up at Auction, at such place in the District as the Minister of the Interior may direct, at an upset price, not less than the price herein above prescribed.

“2. Upon receiving from the Minister of the Interior, a License to sell Awa, the Licensee shall give to the Minister of the Interior, a Bond in the Penal sum of Five Hundred Dollars, with sufficient surety or sureties, to be approved by said Minister, conditioned that he will sell no Awa contrary to the provisions of this Statute ; that he will immediately, upon every sale, file away and preserve every certificate as hereinafter provided, upon which he may have sold Awa, and also keep an account of all purchases and sales made by him, under his License, which shall be open for the inspection and information of all who may desire to examine the same, and that he shall render to the Minister of the Interior, at the close of every quarter, an account of the number of purchases and sales made by him during the said quarter, and also the amount of the same ; and that he shall also, at the end of each quarter deliver over to the Sheriff or deputy Sheriff of his District, by him to be delivered to the Minister of the Interior, all certificates for the sale of Awa, received by him during said quarter.”

“3. It shall not be lawful for the cultivators of Awa to sell Awa to any but the licensed agents of Government. It shall not be lawful for the licensed agents of Government to sell Awa to

any other persons than those buying for exportation, such purchase for exportation being in quantities of not less than ten pounds, or to duly licensed Physicians and Surgeons, or to such persons as may deliver to said licensed agents, a certificate from a licensed Physician or Surgeon, resident in the same Gubernatorial District, or from some person appointed by the Minister of the Interior for that purpose, stating that the person named in said certificate is, in the opinion of the person granting the certificate, likely to receive physical benefit from a specified amount of Awa, in a specified length of time. No such certificate shall authorize more than one actual sale of awa, nor the sale of any other than the amount specified in the certificate, nor shall the amount specified exceed five pounds.

“4. Every cultivator of awa, who shall sell to any but licensed agents of the Government, and every other person who shall sell without a license, or having a license, shall sell contrary to the provisions of this Act, shall be subject to a fine of One Hundred Dollars for each and every offense, and, if a licensed agent, shall, on the second offense, forfeit his license: Provided, however, that nothing in this Section shall be so construed, as to prevent any licensed Physician or Surgeon from selling awa as a medicine, which he may have previously obtained of a Government agent.”

SECTION 2. Licensed Agents of the Government shall be held responsible for all sales made on their premises, unless they shall show satisfactory evidence that such sales were not authorized by them.

SECTION 3. That Section 5, of Chapter LV of the Penal Code, prohibiting the use of awa, be and the same is hereby repealed.

SECTION 4. All laws and parts of laws, in conflict with the provisions of this Act, are hereby repealed.

Approved this 18th day of July, A. D. 1870.

**KAMEHAMEHA R.**

## CHAPTER XV.

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO REPEAL CHAPTER 10 OF THE CIVIL CODE AND TO REGULATE THE BUREAU OF PUBLIC INSTRUCTION," AND TO INSERT CERTAIN NEW SECTIONS, TO BE STYLED SECTION 18 A, SECTION 18 B, AND SECTION 23 A.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. Section 18 of the Act entitled "An Act to repeal Chapter 10 of the Civil Code, and to regulate the Bureau of Public Instruction" is hereby amended so as to read as follows :

"SECTION 18. In each of the school districts as hereinbefore prescribed, there shall be a School Board, to consist ex-officio, of the School Agent, the District Justice and one other member, chosen by the parents and guardians of the scholars attending the common district Schools."

SECTION 2. Section 18 is hereby farther amended by inserting after the above amendment, a new Section to be styled Section 18 A, and said Section shall read as follows :

"SECTION 18 A. The School Agent of each District, shall cause to be returned to him, on or before the first Monday of March in each year, by each teacher of the Common District Schools, a correct list of the names of the parents and guardians of the children attending the Schools, and he shall hold an election by ballot, of which at least ten days previous notice shall have been given ; on the last Monday of March in each year, between the hours of ten and two, for the third member of the District School Board ; and the electors of said member shall be only such parents and guardians, whose names may be found in the list prepared by the teachers of the Common District Schools, as hereinbefore provided."

SECTION 3. The remaining part of Section 18 shall consti-

tute a whole Section to be styled Section 18 B, and it shall read as follows :

"SECTION 18 B. Each of the members of the School Board shall, at any time be authorized to call a meeting of the Board to which he belongs, for the purpose of discussing the material and other interests of the Educational system in their districts, and it shall be incumbent on the School Agents whenever required to do so, to show to both or either of his colleagues, his book of accounts and all documents explanatory of his official doings. At all times, when the other members of the School Board shall conjointly require it, the School Agent shall prove to them, that the funds in his keeping coincide in amount, with the showing of his account books. It shall be the duty of the School Board, at all times, to reasonably assist the School Agent in the execution of his duty, and in order to do so, they shall afford him any information of which they are officially possessed, of such a nature as to be of service to him, and they shall lend him help in the execution of his office, especially when illness or a temporary absence shall render such aid necessary."

SECTION 4. Section 23 is hereby amended so as to read as follows :

"SECTION 23. The teachers of the Common Schools shall be appointed by the School Boards of the respective districts, and may be removed by the same, subject to appeal from their decision, to the Board of Education."

SECTION 5. A new Section, to be entitled Section 23 A, is hereby inserted after Section. 23, and the same shall read as follows :

"SECTION 23 A. Whenever the parents of the children attending any Government Common School, shall deem themselves aggrieved on account of the conduct of the teacher, or should they desire to call any individual to act as teacher, they shall have the right to present their petition in writing, to the district School Board, who shall then appoint a time for the



hearing of the case ; and if, in their opinion, the cause of the petitioners shall have been proved, by good and sufficient testimony, they shall grant the petition."

SECTION 6. This Act shall take effect and become a law, from and after the date of its passage ; and all laws and parts of laws, conflicting with the same, are hereby repealed.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

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## CHAPTER XVI.

### AN ACT

#### RELATING TO DIVORCE.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. Divorces from the bond of matrimony shall be granted for the causes hereinafter set forth, and no other.

*First*—For adultery in either party, or for wilful and utter desertion for the term of three years, or when either party is sentenced to imprisonment for life, or for seven years or more, and no pardon granted to a party so sentenced, after divorce for such a cause, shall restore such party to conjugal rights ; and when it is shown to the satisfaction of the Court, that either party has contracted the disease known as Chinese Leprosy, and is incapable of cure.

*Second*—For extreme cruelty, habitual intemperance, or when the husband being of sufficient ability to provide suitable maintenance for his wife, neglects or refuses to do so. But if the party applying for a divorce, shall not insist upon a divorce from the bond of matrimony, a divorce only from bed and board shall be granted, and the relations of the parties after

such divorce, shall be regulated by existing laws concerning separation.

**SECTION 2.** Exclusive jurisdiction in matters of divorce is conferred upon the Circuit Courts of the Judicial Circuit, in which the parties shall have last lived together as husband and wife; provided that if they shall have last lived together as husband and wife in Oahu, the Supreme Court shall exercise jurisdiction. But all such cases shall be regularly entered on the calendar like other civil actions. No such case shall be heard at chambers, and no consent of parties shall warrant the Courts in hearing divorce causes, or any matter connected therewith, except during regular sessions in the public Court rooms. No divorce shall be granted for any cause, if the parties have not lived together as husband and wife, within this Kingdom. The Circuit Courts shall not act upon any libel for divorce, or any matter connected therewith, unless a Circuit Judge shall be in attendance, as well as a Justice of the Supreme Court. In all proceedings before the Supreme Court, connected with divorce causes, the presence of at least two of the Justices shall be required.

**SECTION 3.** All proceedings for divorce shall be commenced by libel, to be signed by the libellant, and sworn to, and the same shall set forth the marriage of the parties, and the cause of divorce, with sufficient particularity to constitute a case for judicial action. Such libels shall be filed in the office of the Clerk of the proper Court, and upon filing thereof, a writ of summons, with a certified copy of the libel attached, shall be issued, returnable at the term of the Court next after the expiration of forty days from the day of filing the same. Such process shall be served by delivering the same personally to the respondent, and the Court shall not entertain jurisdiction of such libel, even by consent of the respondent, unless such personal service shall have been completed more than thirty days before the first day of the term to which the same shall be returnable, except as is provided in the following section.

**SECTION 4.** If personal service shall not have been made as

aforesaid, and it appears by return of the officer, that after diligent search the respondent cannot be found, the Court, at the return term, shall order that the case stand continued until the next succeeding term, and that in the meanwhile an attested copy of the summons shall be printed in the Government Gazette and Ke Au Okoa, at least six times, the last publication to be at least twenty days before the next term of the Court, and the Court shall direct such further and other notice to be given, as the circumstances of the case may require.

SECTION 5. Upon the hearing of every libel for divorce, the Court shall require exact legal proof upon every point, notwithstanding the consent of parties; and the admission of the respondent, shall not be competent evidence, except to prove the original marriage.

SECTION 6. No divorce for the cause of adultery shall be granted, *First*—Where there is reasonable cause to believe that the offence has been committed by the procurement or with the connivance of the libellant. *Second*—Where the offence charged, has been forgiven by the injured party. Such forgiveness may be shown by express proof, or by the voluntary cohabitation of the parties, with knowledge of the fact. *Third*—Where the libel was not filed within one year after discovery by the libellant, of the offence charged. *Fourth*—Where there is reasonable cause to believe that the libellant has been guilty of any act which would have entitled the defendant, if innocent, to a divorce.

SECTION 7. If there be any reason to suspect collusion, or that important testimony can be procured which has not been produced, it shall be the duty of the Court to continue the cause till the next term, and so from term to term, while such reason for suspicion continues, and the Attorney General and parties not of record, shall be heard, to establish the fact of collusion or the existence of testimony not produced.

SECTION 8. If, after a full hearing, the Court shall be of opinion that a divorce ought to be granted, either from the bonds of matrimony, or from bed and board, a conditional

decree shall be entered, substantially in the following form.

Supreme Court of the Hawaiian Islands.

[or Circuit Court of the ——— Circuit.]

Oahu, ss. ——— Term A. D. 18—.

*A. B., Libellant for Divorce, v. C. D.*

In the above entitled libel for divorce, it is now ordered that a decree of divorce from the bond of matrimony [or bed and board, as the case may be,] be entered in favor of the said ——— of the cause of the ———, of the said ———, to be made absolute after the expiration of six months from the date of this decree, upon compliance with the terms thereof, unless sufficient cause shall appear to the contrary.

And the libellant is ordered to publish an attested copy of this order in the Government Gazette and Ke Au Okoa, for six successive week; the first publication to be within one month from the date of this order; that all persons interested may, within six months, show cause why said decree should not be made absolute.

By the Court.

———— Clerk.

At any time before the expiration of the time limited in such order, any person may file in the Clerk's office, a statement of objections to an absolute decree, to be verified by affidavit. In such case, no order shall be made absolute, except as provided in the following section :

SECTION 9. At the first term after the expiration of the six months limited in the order, the Court shall examine all statements filed as aforesaid, and if they disclose sufficient cause for withholding an absolute decree, they shall hear the parties, and if the Court shall be of opinion that such order ought not to be made absolute, the libel shall be dismissed; otherwise the order shall be made absolute, unless the Court shall be of opinion, that it should be continued for further advisement and notice, as provided in Section Seven.

SECTION 10. Whenever it shall be made to appear to the Court, after the filing of any libel, that the wife is under restraint or in destitute circumstances, the Court may pass such order to secure her personal liberty and reasonable support, pending the libel, as law and justice may require, and may enforce such orders by summary process. The Court may also compel the husband to advance reasonable amounts for the compensation of witnesses and other reasonable expenses of trial to be incurred by the wife.

SECTION 11. Any party aggrieved by any order or decision of the Circuit Court, may except thereto, and his exceptions shall be duly noted, and certified to the Supreme Court, and no order or decree for a divorce shall be made absolute, until such exceptions shall have been disposed of. Said exceptions shall be argued and determined in the Supreme Court, sitting in banco, and if the Court in banco shall be of opinion, that the order or decision excepted to, in said Circuit Court was erroneous, they shall so certify, and thereupon the case shall be heard anew, unless the error appears to have been in the conditional order; in which case the Supreme Court shall direct such order to be amended, and in what manner.

SECTION 12. Section 1323, 1324 and 1325 of the Civil Code, together with all Acts and parts of Act authorizing divorce causes to be heard at chambers, and all Acts and parts of Acts, inconsistent herewith, are repealed.

SECTION 13. This Act shall take effect from and after its publication in the Government Gazette.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

**CHAPTER XVII.****AN ACT**

**IN BELTION TO THE PREPARATION OF JURY LISTS AND THE DRAWING  
OF JURIES.**

*Be it Enacted by the King and the Legislative Assembly of the  
Hawaiian Islands, in the Legislature of the Kingdom assembled :*

**SECTION 1.** Each Governor, in concert with some Judge of a Court of Record, shall prepare semi-annually, in the months of March and September, a list of the names of fifty persons, being native Hawaiians, and fifty other persons, being foreigners by birth, or of foreign parentage, residing within their respective gubernatorial divisions who, in the opinion of such Governor or Judge, are fit to serve as jurors ; provided, that no lists of foreign jurors shall be prepared in Hawaii or Kauai. Each list shall be signed by the Governor and Judge, and sent to the Clerk of the Circuit Court ; but in the Island of Oahu, the list shall be sent to the Clerk of the Supreme Court, and in the Island of Hawaii, it shall be sent to the first Clerk. Said Clerks shall write each name on a seperate piece of paper, and deposit the same in appropriate boxes ; the Hawaiian names being kept in seperate boxes from the foreign names.

**SECTION 2.** The respective Clerks, at least twenty days before the sitting of any Court, shall draw from the appropriate box, the names of twenty-four native and twenty-four foreign jurors, provided, that no foreign jurors shall be drawn in Hawaii and Kauai. Such drawing shall be had in the presence of a Justice of the Supreme Court, or a Circuit Judge or the Governor of the Island, who shall certify to the regularity of the proceedings.

**SECTION 3.** Whenever it may be necessary or proper, for the trial of any cause in the Circuit Court for the Third and Fourth Judicial Circuits, to have a jury composed wholly or in part of foreigners, the presiding Judge of such Circuit Court, for the time being, shall summon from among the foreigners

residing within such Circuit, a sufficient number of persons to act as jurors in such case.

SECTION 4. The Clerks shall, within twenty-four hours, of the drawing of any jurors as aforesaid, transmit to the Marshal of the Kingdom, or the Sheriff of the Island, the names of all jurors drawn in the manner aforesaid, in order that such jurors may be duly summoned. Said Clerks shall also publish the names of such jurors in the Government Gazette for public information.

SECTION 5. Sections 1185, 1186, 1187, 1188, 1189, 1190, 1191 and 1210, of the Civil Code, and all parts of Acts inconsistent herewith, are repealed.

SECTION 6. This Act shall take effect on the first day of September in the present year, but every juror who shall have been previously duly drawn and summoned, conformably to laws in force when so drawn and summoned, shall be qualified to serve according to the tenor of his summons, anything in this Act, to the contrary notwithstanding.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

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## CHAPTER XVIII.

### AN ACT

**TO ASCERTAIN AND FIX THE MILEAGE OF THE ROADS OF THE KINGDOM.**

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:*

SECTION 1. The Minister of the Interior is hereby authorized to have all the Government Roads of this Kingdom surveyed, and the distances fixed by suitable mile stones; and to publish the said distances in the Government newspapers;

which published tables shall be recognized by the Courts of the kingdom as the established mileage.

SECTION 2. This Act shall become a law from the day of its publication.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER XIX.

### AN ACT

TO AMEND SECTION 96, AND TO REPEAL SECTION 99, CIVIL CODE.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:*

SECTION 1. The 96th Section of the Civil Code is hereby amended so as to read as follows :

“SECTION 96. The Minister of the Interior, may license any Theatre, Circus, Hawaiian Hula, Public Show, or other exhibition, not of an immoral character, to which admission is obtainable by the payment of money, for such time, not exceeding one year, and upon such terms and conditions, as he shall think reasonable, and that a fee of not less than Five Dollars shall be required for each performance licensed ; provided that this Section shall not be construed to require the Minister of the Interior in all cases to exact a fee for Lectures or Entertainments of a strictly intellectual character, and provided, also, that when the performance is one of a series, a license may be granted, in the discretion of the Minister of the Interior, for the series of performances, upon payment of not less than Ten Dollars for each week.”

SECTION 2. The 99th Section of the Civil Code is hereby repealed.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.



## CHAPTER XX.

## AN ACT

TO LICENSE THE CARRYING OF FOWLING PIECES AND OTHER  
FIRE-ARMS.

WHEREAS, The Act for the protection of Kolea or Plover and other useful birds, approved on the 20th day of April, A. D. 1859, has proved ineffectual for the purposes intended thereby, and

WHEREAS, The general and indiscriminate use of Fire-arms, which are frequently used for the destruction of useful, imported and migratory insectivorous birds and their progeny, is an injury to the agricultural and pastoral interests of this Kingdom, therefore,

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. That the Minister of the Interior may at any time license for a term of one year, any applicant for such license, to use and carry fire-arms for sporting purposes, in the District of Kona, Island of Oahu, on receiving for such license the sum of Five Dollars.

SECTION 2. Any person in said District who shall use or carry for sporting purposes, any gun, carbine, rifle, pistol, or other fire-arms, without having at first obtained a license as hereinbefore provided, shall, upon conviction therefor, before any Police or District Justice, be fined in a sum not to exceed Fifty Dollars for every such offense, and in default of payment of such sum, shall be imprisoned at hard labor, until such fine and costs are paid, according to law.

SECTION 3. All such licenses shall be signed by the Minister of the Interior, numbered according to their respective dates and impressed with the seal of his Department, and no such license shall be transferable.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER XXI.

## AN ACT

RELATING TO THE APPROVAL OF CLAIMS AGAINST THE ESTATES OF  
DECEASED PERSONS.

*Be it Enacted by the King and the Legislative Assembly of the  
Hawaiian Islands, in the Legislature of the Kingdom Assembled :*

SECTION 1. All claims against the estate of any deceased person, which shall hereafter be presented for approval to any Probate Judge, pursuant to the Second Section of the Act approved on the twenty-third day of June, in the Year One Thousand Eight Hundred and Sixty-Eight, shall be presented in open Court, on some day or days previously appointed.

SECTION 2. All parties interested in any Estate, may attend on the day or days appointed as aforesaid, and show cause against the allowance of any claim.

SECTION 3. Notice of such days appointed for hearing, shall be given by publication, or otherwise, as the Court may consider that the rights of parties in each case may require.

SECTION 4. When it shall appear to the Probate Judge, before whom the Estate may be in course of administration, that there are absent creditors, whose interests will suffer from having no person to represent them, he may appoint some fit and proper person as an Attorney for that purpose, and such Attorney shall receive in the discretion of such Probate Judge, a reasonable compensation out of the amount coming to such absent creditors, and whenever, in the judgment of the Court, it is necessary to extend the time for the proof of claims by absent creditors, it shall be extended accordingly.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER XXII.

## AN ACT

LIMITING THE TIME, WITHIN WHICH, ACTIONS MAY BE BROUGHT TO  
RECOVER POSSESSION OF LAND.

*Be it Enacted by the King and the Legislative Assembly of the  
Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. No person shall commence an action to recover possession of any lands, or make an entry thereon, unless within twenty years after the right to bring such action, first accrued.

SECTION 2. If such right first accrued to any ancestor or predecessor of the person bringing such action, or making such entry, or to any persons from, by or under whom he claims ; the said twenty years shall be computed from the time when the right first accrued to such ancestor, predecessor or other person.

SECTION 3. In the construction of this Act, the right to make an entry or commence an action, shall be deemed to have first accrued at the times respectively hereinafter mentioned, that is to say :

*First :* When any person shall be disseized, his right of entry or action shall be deemed to have accrued at the time of such disseizin.

*Secondly :* When he claims as heir or devisee of one who died seized, his right shall be deemed to have accrued at the time of such death, unless there is an estate by the curtesy or in dower, or some other estate intervening after the death of such ancestor or devisor, in which case, his right shall be deemed to have accrued when such intermediate estate shall expire, or when it would have expired by its own limitation.

*Thirdly :* Where there is such an intermediate estate, and in all other cases, where a party claims in remainder, or reversion, his right so far as it is affected by the limitation herein prescribed, shall be deemed to accrue when the intermediate or precedent estate would have expired by its own limitation,

notwithstanding any forfeiture thereof, for which he might have entered at an earlier time.

*Fourthly*: The preceding clause shall not prevent any person from entering, when entitled to do so, by reason of any forfeiture or breach of condition, but if he claims under such a title, his right shall be deemed to have accrued when such forfeiture was incurred or condition broken.

*Fifthly*: In the cases not otherwise specially provided for, the right shall be deemed to have accrued, when the claimant or the person under whom he claims, first became entitled to the possession of the premises under the title upon which the entry or action is founded.

**SECTION 4.** If, when such right of entry or of action shall first accrue as aforesaid, the person entitled to such entry or action, shall be within the age of twenty years, or a married woman, or insane, or imprisoned, such person, or anyone claiming from, by or under him, may make the entry or bring the action, at any time within five years after such disability shall be removed, notwithstanding the twenty years before limited in that behalf, shall have expired.

**SECTION 5.** If the person first entitled to make such entry or bring such action, shall die during the continuance of any of the disabilities mentioned in the preceding Section, and no determination or judgment shall have been had, of or upon the title, right or action, which accrued to him, the entry may be made, or the action brought by his heirs, or any other person claiming from, by or under him, at any time within ten years after his death, notwithstanding the said twenty years shall have expired.

**SECTION 6.** If, when such right of action shall first accrue, the person entitled thereto shall be under any of the disabilities before mentioned and shall die without having recovered the premises, no further time for making such entry or bringing such action, beyond what is hereinbefore prescribed, shall be allowed by reason of the disability of any other person.

**SECTION 7.** No person shall be deemed to have been in possession of any lands, within the meaning of this Chapter, merely by reason of having made an entry thereon, unless he shall have continued in open and peaceable possession of the same, for the space of one year after such entry ; or unless an action shall have been commenced upon such entry within one year after ouster.

**SECTION 8.** The limitations hereinbefore prescribed, shall take effect, from and after the thirty-first day of July, which shall be in the year One Thousand Eight Hundred and Seventy-one : and if any person who shall then be entitled to bring any action to recover the possession of land, shall then be under the age of twenty years, or a married woman, or insane, or imprisoned, the action may be brought at any time within five years after the disability shall cease, or after the death of the person disabled : But no such action shall be maintained after it would have been barred by the Statutes of limitation in force immediately before the time when this Act shall become a law.

**SECTION 9.** If any action, of which the commencement is limited by this Act, shall be abated by the death of any party thereto, or if, after verdict, the judgment shall be arrested, or if the judgment be reversed on error, the party bringing the action or any person claiming by, through, or under him, may bring a new action for the same cause, within one year after the determination of the original action, on the reversal of the judgment thereon.

Approved this 18th day of July, A. D. 1870.

**KAMEHAMEHA R.**

## CHAPTER XXIII.

## AN ACT

TO PROHIBIT KEEPERS OF COFFEE, VICTUALING, LIQUOR AND BILLIARD SALOONS, AND BOWLING ALLEYS, FROM ALLOWING SCHOOL CHILDREN TO FREQUENT THEIR PREMISES, BETWEEN THE HOURS OF SUNSET AND SUNRISE.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom Assembled :*

SECTION 1. All keepers of Coffee, Victualing, Liquor and Billiard Saloons, and Bowling Alleys, and also Sugar Mills, are hereby strictly forbidden to allow any school children, boys or girls, to remain upon their premises any time between the hours of sunset and sunrise, unless the same be accompanied by their parents or guardians. Any keeper of a Coffee, Victualing, Liquor or Billiard Saloon or Bowling Alley, upon whose premises any school child, boy or girl, may be found between the hours above named, unless the same be accompanied by its parent or guardian, shall be deemed guilty of an offense, and shall be punished by a fine, of not more than Twenty Dollars, upon conviction before any Police or District Magistrate, and his license may be revoked by the Minister of Interior, in his discretion.

SECTION 2. If any keeper or keepers of any of the public places enumerated in Section One of this Act shall find difficulty in clearing their premises of school children, the same may call in the assistance of the police or constables, who shall first order all such school children to return to their homes ; and, if such order be not obeyed by the said children, the police or constables shall proceed to apprehend all such children who shall not have proceeded to their homes, and cause them to be detained in the lock-up over night, to be brought before the Police or District Magistrate on the following morning, to be

punished according to the provisions of the law relating to truancy.

SECTION 3. This Act shall become a law, from and after the date of its approval.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER XXIV.

### AN ACT

TO AMEND SECTION 1284, OF THE CIVIL CODE.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. The 1284th Section of the Civil Code is hereby amended by striking therefrom the last sentence, so that the Section as amended shall read as follows :

“SECTION 1284. In order to validate the marriage contract, it shall be necessary that the respective parties be not to each other, within the fourth degree of consanguinity. That the male shall, at the time of contracting marriage, be at least seventeen years of age, and the female, at least fourteen years of age ; that the man shall not have at the time a wife living ; and that the women shall not have at the time a husband living.”

SECTION 2. This Act shall take effect immediately.”

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER XXV.

## AN ACT

TO AMEND SECTIONS 483 AND 484 OF THE CIVIL CODE, RELATING  
TO TAXES ON PERSONAL PROPERTY AND REAL ESTATE.

*Be it Enacted by the King and the Legislative Assembly of the  
Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. That Section 483, of the Civil Code, be and the same is hereby amended, by striking out the words "one quarter of one per cent," and substituting therefor, the words, "one half of one per cent."

SECTION 2. That Section 484 of the Civil Code, be also and the same is hereby amended, by striking out the words "one quarter of one per cent," and substituting therefor, the words, "one half of one per cent."

SECTION 3. This Act shall become a law, from and after the date of its passage.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER XXVI.

## AN ACT

AMENDING THE STATUTES CONCERNING THE SATISFACTION OF FINES  
AND COSTS IN PENAL JUDGMENTS.

*Be it Enacted by the King and the Legislative Assembly of the  
Hawaiian Islands, in the Legislature of the Kingdom Assembled :*

SECTION 1. Section 221 of the Civil Code is hereby amended to read as follows, viz :

"SECTION 221. When any person shall be sentenced to pay a fine and costs, or either of them, and to be imprisoned until the same be paid, the time of his imprisonment shall be deemed to discharge the same at the rate of twenty-five cents a day."



SECTION 2. The second Section of Chapter LI of the compiled Penal Code is hereby amended to read as follows, viz :

"SECTION 2. When a judgment of fine and costs, or either of them is not satisfied by immediate payment thereof, the offender so sentenced shall be committed to prison, there to remain at hard labor or otherwise, in the discretion of the Court or Magistrate, until such fine is paid or collected out of the offender's property as prescribed in the above Section. Provided, however, that when any poor convict shall have been imprisoned for the space of one year, for fine and costs, or either of them, any two Magistrates may order such convict to be brought before them for examination, and, if upon inquiry, they shall be satisfied that he has not since his conviction, had any estate, real or personal, with which he could have paid the sum for which he stood committed, and that he is held for no other cause ; they may direct the Marshal of the Kingdom, or his deputy having him in custody, to discharge such convict from prison."

SECTION 3. This act shall take effect and become a law from and after the date of its passage ; and all laws and parts of laws conflicting herewith are hereby repealed.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

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## CHAPTER XXVII.

### AN ACT

TO ENCOURAGE THE ESTABLISHMENT OF WOOLEN AND COTTON FACTORIES.

WHEREAS, It is desirable to encourage the manufactures of Woolen and Cotton fabrics in this Kingdom, and thereby foster our grazing and agricultural interests ; therefore,

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. That all machinery or building materials of any

description, imported by any person or persons, solely for the purpose of erecting and finishing a Woolen or cotton Factory, and not for sale, shall be permitted to enter, free of duty or other charges, on application to the Minister of Finance, by the party or parties importing the same.

**SECTION 2.** As a further inducement to secure the speedy erection of a Woolen and a Cotton Factory, the Minister of the Interior is hereby authorized to pay to the owner or owners of any Woolen Factory, the sum of Six Thousand Dollars, for the first One Hundred pairs of Woolen Blankets, seventy-two inches in breadth by eighty-six inches in length, and weighing eleven pounds per pair, manufactured by them, from Hawaiian Wool, at any Woolen Factory that may be erected in this Kingdom; and an additional sum of Six Thousand Dollars to the owner or owners of any Cotton Factory, for the first One Hundred pieces of Cotton Cloth, of not less than forty yards each, suitable for domestic wear or use manufactured by them at any Cotton Factory in this Kingdom, out of Hawaiian Cotton: Provided, that said Factory or Factories are of sufficient capacity to manufacture and consume all the Wool and Cotton produced at the time of their erection.

And the said One Hundred pairs of Blankets, and One Hundred pieces of Cotton Cloth, shall, upon the payment of the within named bonuses, be the property of the Government, subject to the disposal of the King and Privy Council.

**SECTION 3.** The Minister of the Interior is authorized to lease for a term of ten or more years, free of rent or other charges, any land or water privileges belonging to the Government, that may be required for the purposes contemplated in this Act.

**SECTION 4.** The Minister of Finance is hereby authorized, upon the Warrant of the Minister of the Interior, to issue Exchequer Bills for the Sum of Twelve Thousand Dollars, to meet any expenditures contemplated in Section 2, in case the Legislature has made no appropriation therefor.

SECTION 5. The provisions of Sections 1 and 2 of this Act shall not extend beyond three years from the date of its passage.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

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## CHAPTER XXVIII.

### AN ACT

TO REPEAL SECTION 4 AND SECTION 5 OF AN ACT ENTITLED "AN ACT TO REGULATE THE CARRYING OF PASSENGERS BETWEEN THE ISLANDS OF THIS KINGDOM," APPROVED JANUARY 10TH, A. D. 1865: AND AN ACT ENTITLED AN ACT TO AMEND SECTION 4, OF AN ACT ENTITLED "AN ACT TO REGULATE THE CARRYING OF PASSENGERS BETWEEN THE ISLANDS OF THIS KINGDOM," APPROVED JUNE 30, A. D. 1866.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:*

SECTION 1. That Sections 4 and 5 of an Act entitled "An Act to regulate the carrying of passengers between the Islands of this Kingdom," approved January 10, A. D. 1865: and also an Act entitled "An Act to amend Section 4th of an Act entitled 'An Act to regulate the carrying of Passengers between the Islands of this Kingdom,' approved on the 10th day of January, A. D. 1865," approved on the 30th day of June, A. D. 1866, be and the same are hereby repealed.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER XXIX.

## AN ACT

TO AMEND SECTION 54 OF THE CIVIL CODE.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands in the Legislature of the Kingdom assembled :*

That Article 2 of the Civil Code, regulating the Coasting Trade of this Kingdom, shall be and is hereby amended by adding thereto, after Section 54, the following Section :

SECTION 54 A. All such vessels shall carry to and from such ports or places as they may be engaged in trading to or from, all passengers required to be carried, by the Board of Health, or its authorized agent or agents, to be carried on board of such vessel, on payment of the usual and reasonable passage money, upon pain of forfeiting their license.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER XXX.

## AN ACT

DESIGNATING THE OWNERS OF CATTLE, HORSES, MULES, DONKEYS, SHEEP, GOATS AND SWINE, NOT MARKED OR BRANDED, ACCORDING TO LAW, AND WHICH MAY BE RUNNING WILD AND AT LARGE, ON THE LANDS OF THIS KINGDOM.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. All cattle, horses, mules, donkeys, sheep, goats and swine, not marked or branded according to law, and which may be running wild and at large, upon any of the lands of this Kingdom, shall belong to, and be the property of the owners of the lands on which the said animals may be found running.

SECTION 2. All laws and parts of laws in conflict with the provisions of this Act, are hereby repealed.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

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## CHAPTER XXXI.

### AN ACT

TO AMEND "AN ACT TO ESTABLISH AN INSANE ASYLUM," APPROVED AUGUST 23D, 1862.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. That Section 7 of the said Act, be amended so as to read as follows :

"Section 7. Whenever the Physician of the Hospital, shall certify to the Minister of the Interior, that any person committed to the Hospital is either restored to a sound mind, or that he has recovered so far, that he has ceased to be dangerous to the public safety, the Minister aforesaid shall have power to discharge such person, provided that his friends stand ready to receive him."

SECTION 2. This Act shall take effect from the date of its passage.

Approved this 18th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER XXXII.

## AN ACT

## RELATING TO THE WRIT OF HABEAS CORPUS.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

**SECTION 1.** Every person restrained of his liberty, except in the cases mentioned in the following section, may prosecute as of right, a writ of Habeas Corpus, according to the provisions of this Act, to obtain relief from such restraint, if unlawful.

**SECTION 2.** The following persons shall not be entitled, as of right, to demand and prosecute the said writ :

*First.*—Persons committed for treason or felony, or for suspicion thereof, or as accessories before the fact, to a felony, when the cause is plainly and specially expressed in the warrant of commitment, unless when excessive and unreasonable bail is required.

*Second.*—Persons convicted, or in execution upon legal process, civil or criminal.

*Third.*—Persons committed on mesne process, in any civil action, on which they were liable to be arrested and imprisoned, unless when excessive and unreasonable bail is required.

**SECTION 3.** Application for such writ shall be made to the Court or Justice authorized to issue the same, by complaint in writing, signed by the party for whose relief it is intended, or by some person in his behalf, setting forth ;

*First.*—The person by whom, and the place where, the party is imprisoned or restrained, naming the prisoner and the person detaining him, if their names are known, and describing them, if they are not known.

*Second.*—The cause or pretence of imprisonment or restraint, according to the knowledge and belief of the applicant.

*Third.*—If the imprisonment or restraint is by virtue of any warrant or other process, a copy thereof shall be annexed, un-

less it shall be made to appear that a sufficient reason exists for not annexing the same.

*Fourth.*—The facts alleged shall be verified by the oath of some credible person, to be administered by any person authorized to administer oaths.

**SECTION 4.** The Court or Justice to whom such complaint shall be made, shall, without delay, award and issue a writ of Habeas Corpus, which may be in the following form :

(STAMP.)

**KAMEHAMEHA V.**, by the grace of God, of the Hawaiian Islands, King.

To

Greeting.

We command you that immediately upon the receipt of this writ, you have and produce before Our Justice of at the body of who is unjustly imprisoned and restrained of his liberty, as it is said, to do and receive what shall then and there be considered concerning him in this behalf.

And have you there this writ, with your doings thereon.

Witness the Honorable Chief Justice  
of Our Supreme Court and Chancellor of Our  
Kingdom, at this day of in the  
year One Thousand Eight Hundred and

(Seal.)

Justice of

**SECTION 5.** When the writ is issued out of Court, it shall be signed by the presiding Justice, otherwise, it shall be signed by the Justice issuing the same.

**SECTION 6.** The Court of Justice issuing such writ, shall have power to issue subpoenas, to compel the attendance of witnesses, or the production of any documents.

**SECTION 7.** Whenever the writ shall be issued by any Circuit Judge, the same may be made returnable before himself, or before the Circuit Court, or the Supreme Court, or any Justice thereof.

**SECTION 8.** Whenever the writ is returnable before the Court, and the Court shall be adjourned before it is returned, the return may be made before any Justice of said Court; and if the writ is in any case returnable before one Judge, when the Court of which he is a member, is in session, he may adjourn the case into Court, to be there heard and determined in the same manner as if the writ had been returned into the same Court.

**SECTION 9.** If the name of the person by whom the prisoner is alleged to be restrained of his liberty, is unknown or uncertain, he may be described by an assumed appellation, and whoever shall be served with the writ, shall be deemed to be the person intended thereby.

**SECTION 10.** The person to be produced, shall be designated by his name, if known, and if that is not known or is uncertain, he may be designated in any other manner, so that it can be known who is the person intended.

**SECTION 11.** If the party is confined in any prison, or is in the custody of any civil officer, the Court or Judge granting the writ, shall certify thereon, the sum to be paid for the expense of bringing him from the place of imprisonment, and the officer to whom the same is directed, shall not be bound to obey it, unless that sum be paid or tendered to him. But this section shall not be construed to require the payment in all cases, of the full statute fees, but the Court in its discretion, may require the payment of any sum less than the statute fees, and the residue shall be paid as in cases of the service of criminal process.

**SECTION 12.** Any person to whom a Writ of Habeas Corpus shall be directed, shall, upon payment or tender of reasonable charges and expenses for its execution, make return thereof, with as much promptness, as the nature of the case will permit.

**SECTION 13.** The party making the return, shall state therein, in writing, plainly and unequivocally :

*First.*—Whether he has or has not, that party in his custody or power, or in any manner, under his restraint or control :



*Secondly.*—If he has the party in his custody or power, or under his restraint or control, he shall set forth at large the authority, and the time and whole cause of such imprisonment or restraint, with a copy of any process or warrant under which the party is detained :

*Thirdly.*—If he has had the party in his custody or power, or under his restraint or control, and has transferred such custody, restraint or control to another, or if he has any knowledge or suspicion that any other person exercises or claims to exercise such custody, power, restraint or control, he shall state all that he knows or suspects.

And no return shall be adjudged sufficient when the respondent has once held the party in his custody or power, or under his restraint or control, unless it states fully, all that the respondent knows or suspects, or alleges unequivocally that he neither knows nor suspects, nor has any cause to suspect anything as to the custody or restraint of the party alleged to be detained, up to the time of making such return.

**SECTION 14.** The return shall be signed by the person making it, and sworn to by him, unless he is a sworn public officer making the return in his official capacity. Such return shall be evidence in the case, but not conclusive.

**SECTION 15.** The person making the return, shall bring the body of the party, if in his custody or power, or under his restraint or control, according to the command in the writ, unless prevented by the sickness or infirmity of the party. But this shall not prevent the party making the return, if a private person, from demanding in advance, actual necessary expenses of travel and transportation.

**SECTION 16.** When from sickness or infirmity of the party, he cannot properly be brought to the place appointed for the return, that fact shall be set forth, and if verified by affidavit and established to the satisfaction of the Court or Judge, the hearing may be adjourned to such other time or place, or such order may be made, as justice may require.

**SECTION 17.** Upon the return of the writ, the Court or Jus-

tice, shall proceed without delay, to examine the causes of imprisonment or restraint ; but the examination may be adjourned from time to time as circumstances may reasonably require.

SECTION 18. If the party is detained on any process under which any other person, who can be notified without unreasonable delay, provided such person or his attorney be within the Kingdom, has any interest in his detention, the party shall not be discharged until such party or his attorney shall have had an opportunity to be heard.

SECTION 19. If the party is imprisoned on any criminal accusation, reasonable notice shall be given to the Attorney General, or his Deputy, lawfully appointed, to appear and object if he thinks fit.

SECTION 20. The party imprisoned or restrained may deny any of the facts set forth in the return and may allege other material facts, and the Court shall proceed in a summary way to examine the causes of imprisonment or restraint and to hear evidence which may be offered by any person interested or authorized to appear, both in support of such imprisonment or restraint, or against it, and thereupon to dispose of the party, as law and justice may require.

SECTION 21. If no legal cause for the imprisonment or restraint, shall be shown, the party shall be immediately discharged therefrom.

SECTION 22. If the party is detained for any cause or offence, for which he is liable, he shall be admitted to bail if sufficient bail be offered, and if not, he shall be remanded, with an order of the Court or Justice, expressing the sum in which he shall be held to bail and the Court at which he shall be required to appear.

SECTION 23. If the party is committed on mesne process in any civil action, for want of bail, and the bail which is required, shall appear to be excessive or unreasonable, the Court or Justice shall decide what bail is reasonable, and shall order that upon giving such bail, the party shall be discharged.

**SECTION 24.** If the party is lawfully imprisoned or restrained, and is not entitled to be enlarged on bail, he shall be remanded to the person or officer, having lawful authority to detain him.

**SECTION 25.** Until judgment be given, the Court or Justice may remand the party, or accept bail for his appearance from day to day, or may place him under special care and custody, as circumstances may require.

**SECTION 26.** Any person who shall neglect or refuse promptly to perform any duty imposed upon him by virtue of any writ of Habeas Corpus, conformably to the provisions of this Act, shall be responsible in a civil action to any person aggrieved, for damages occasioned thereby, and may be punished in any Court of competent jurisdiction, by fine, not exceeding five thousand dollars, or by imprisonment at hard labor not exceeding ten years, or both, in the discretion of the Court.

**SECTION 27.** The liabilities and penalties of the preceding Section shall also be imposed upon any person who, having in his custody or under his power, any person entitled to a writ of Habeas Corpus, and who shall, with intent to elude the service of such writ, or to avoid the effect thereof, transfer such person to the custody, or place him under the control or power of any other person, or conceal him, or change his place of confinement.

**SECTION 28.** Whenever it shall appear by satisfactory proof, by affidavit or otherwise, to any Court or Justice, authorized by law to issue writs of Habeas Corpus, that any one is illegally held in custody, confinement or restraint, and that there is good reason to believe that such person will be carried out of the jurisdiction of such Court or Justice, or will suffer some irreparable injury before compliance with a writ of Habeas Corpus can be enforced, such Court or Justice may cause a warrant to be issued, reciting the facts, and directed to the Marshal or his Deputy, or to any constable, commanding such officer, to take such person thus held in custody, confinement or restraint and forthwith bring him before such Court or Jus-

tice, and held there until a writ of Habeas Corpus can be duly issued and served, after which, the party alleged to be illegally restrained, shall be deemed to be before the Court in obedience to such writ.

**SECTION 29.** Any writ or process authorized by this Act may be issued or served on Sunday.

**SECTION 30.** No person who has been discharged upon a writ of Habeas Corpus, shall be again imprisoned or restrained for the same cause, unless he shall be indicted therefor, or convicted thereof, or committed for want of bail, by some Court of Record, having jurisdiction of the cause, or unless after a discharge for default of proof, or for some material default in the commitment in a criminal case, he shall be again arrested on sufficient proof, and committed by legal process, for the same offence.

**SECTION 31.** Nothing in this Act shall be construed to restrain the power of any Court of Record to issue a writ of Habeas Corpus, ad respondendum, when necessary, to bring before them any prisoner for trial in any criminal cause, lawfully pending in such Court, or a writ of Habeas Corpus, ad testificandum, to bring in any prisoner to be examined as a witness in any suit or proceeding, civil or criminal, pending in such Court, when they shall think the personal attendance and examination of the witness necessary for the attainment of justice. Such may be issued by any Court of Record in the exercise of a sound discretion, and with due regard to conflicting interests and liabilities, anything in this Act to the contrary notwithstanding.

**SECTION 32.** Nothing in this Act shall be construed to restrain the power of the Supreme Court, or any Justice thereof, at their discretion to issue a writ of Habeas Corpus, ad subjiciendum, in case where it is not demandable of right, and thereupon to bail any person for whatever cause he may be committed or restrained, or to discharge him as law and justice may require, except only, persons committed by command of His Majesty, the King, or the Legislative Assembly, in the manner and for the causes provided by the Constitution.

But such discretionary power shall only be exercised by the Justices of the Supreme Court.

SECTION 33. All the provisions of this Act shall be subject to the right of His Majesty, the King, to suspend the privilege of the writ of Habeas Corpus, in cases of rebellion or invasion, conformably to the Constitution.

Approved this 19th day of July, A. D. 1870.

KAMEHAMEHA R.

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## CHAPTER XXXIII.

### AN ACT

TO AMEND AN ACT ENTITLED, "AN ACT TO PREVENT THE SPREAD OF LEPROSY," APPROVED JANUARY 3D, A. D. 1865, BY ADDING SECTIONS 5 (A) AND (B) AFTER SECTION 5 IN SAID ACT.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled;*

SECTION 1. That the Act to prevent the spread of Leprosy, approved January 3d, A. D. 1865, be and the same is hereby amended, by adding thereto, after Section 5 in said Act, the following Sections, viz: Sections 5 (A), 5 (B), so that the same will read as follows:

SECTION 5 (A). No person, not being a Leper, shall be allowed to visit or remain upon any Land, Place or Inclosure, set apart by the Board of Health for the isolation and confinement of Lepers, without the written permission of the President of the Board, or some officer authorized thereto by the Board of Health, under any circumstances whatever, and any person found upon such Land, Place or Inclosure, without a written permission, shall, upon conviction thereof, before any Police or District Justice, be fined in a sum not less than Ten nor more than One Hundred Dollars for such offence, and in default of payment, to be imprisoned at hard labor until the

fine and costs of Court are discharged in due course of law.

SECTION 5 (B). It shall be lawful for the Board of Health, through its President, to make and promulgate such Rules and Regulations, as may be, from time to time necessary for the government and control of the Lepers, placed under their charge, and such Rules and Regulations shall have the same force and effect as a Statute Law of the Kingdom : Provided, always, that the sanction of the King, in Cabinet Council, be given thereto, and that they be published in two newspapers, published in Honolulu, one in the Hawaiian, the other in the English Language.

SECTION 2. This Act shall take effect and become a law, from and after the date of its passage.

Approved this 19th day of July, A. D. 1870.

KAMEHAMEHA R.

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## CHAPTER XXXIV.

### AN ACT

TO AMEND THE 403D SECTION OF THE CIVIL CODE, RELATING TO  
POSTAGE ON SEA LETTERS.

*Be it Enacted by the King and the Legislative Assembly of the  
Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. The 403d Section of the Civil Code is hereby amended by adding new words after the first clause, so that said first clause as amended, will read as follows :

“The following shall be the rates of postage on all mailable matter forwarded to, or received from any foreign port, Five Cents for every single letter weighing less than half an ounce, Ten Cents for every letter, not less than half an ounce or more than one ounce and Five Cents for every additional half ounce ; and in addition to the above rates, the sea postage shall be collected on the said letters. Provided always, That

so long as the Postal Convention, concluded at Washington on the fourth day of May, of the present year, shall remain in force, no postage shall be charged upon any letters received from the United States, and that upon all letters forwarded to the United States, Six Cents Hawaiian postage shall be demanded for each half ounce of weight, or a fraction thereof, and no more. And provided, also, That the Minister of the Interior, shall have power from time to time to adjust the rates and system of postage, to and from foreign countries to correspond with such international postal rates and regulations as may be agreed upon in behalf of the respective Governments."

SECTION 2. This Act shall take effect immediately.

Approved this 19th day of July, A. D. 1870.

KAMEHAMEHA R.

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## CHAPTER XXXV.

### AN ACT

TO REGULATE THE AWARDING AND DISTRIBUTION OF WATER IN THE  
DISTRICT OF LAHAINA, ISLAND OF MAUI.

WHEREAS, Great distress has been felt of late years in Lahaina from the manner in which the cultivation of the soil is carried on, and,

WHEREAS, It will be of great advantage to increase the jurisdiction of the Commissioners of Private Ways and Water Rights, Therefore,

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled:*

SECTION 1. Upon the application in writing, duly made by any parties, to the Commissioners of Private Ways and Water Rights, for a re-adjustment of water rights, in the District of Lahaina, Island of Maui, the said Commissioners shall cause

notice to be given to all parties known to be interested, by delivering them a copy of such application, and a notice of the time and place appointed for hearing and shall also cause public notices to be posted up at the Court-House in Lahaina and at least three other public places in said Lahaina, all of which notices shall be delivered and posted at least twenty-one days before the day appointed for a hearing.

**SECTION 2.** At the time and place appointed for the hearing, the Commissioners shall hear the parties and such witnesses as they may produce, and also view the premises, after which they shall determine and award what new apportionment of water rights will be just and equitable, and thereupon they shall also award what damages, if any, shall be received or paid by any party. By such determination or award, the said Commissioners may enlarge or reduce the amount of water which any party may use.

**SECTION 3.** At the hearing of all cases arising under this Act, the Circuit Judge of the Second Judicial Circuit shall act as Commissioner, and preside at all proceedings.

**SECTION 4.** The Commissioners shall receive, as a compensation for their services, the amount fixed by Section 1001 of the Civil Code, as amended on the 28th day of August, A. D. 1860.

**SECTION 5.** Any party aggrieved by any award of such Commissioners, may appeal therefrom, to the Circuit Court of the Second Judicial Circuit, in the same manner as from other awards of said Commissioners.

Approved this 19th day of July, A. D. 1870.

**KAMEHAMEHA R.**



## CHAPTER XXXVI.

## AN ACT

## TO PUNISH THE CRIME OF FALSE PERSONATION.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. Every person who shall falsely represent or personate another, and in such assumed character shall cause a license for marriage to be granted by falsely representing himself or herself to be the parent or guardian of a minor, or shall perform the marriage ceremony by falsely representing himself to be authorized by law to perform that ceremony, or shall falsely personate another before any public Officer in doing any act required or authorized by law, or shall become bail or surety for any party, in any proceeding, civil or criminal, before any Court or Officer authorized to take such bail or surety ; or confess any judgment, or acknowledge the execution of any conveyance of Real Estate, or of any other instrument which by law may be recorded ; or do any other act in the course of any suit, proceeding, or prosecution, whereby the person so represented or personated may be liable in any event of any debt, damages, costs or sums of money, or his rights or interests may in any matter be affected, shall upon conviction, be punished by imprisonment at hard labor, not exceeding five years and by fine not exceeding One Thousand Dollars.

Approved this 19th day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER XXXVII.

## AN ACT

TO REGULATE INDEPENDENT SCHOOLS IN RELATION TO SESSIONS  
AND QUALIFICATIONS OF TEACHERS.

*Be it Enacted by the King and the Legislative Assembly of the  
Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. Independent Schools throughout the Kingdom, and all Schools other than Government Schools, shall hold sessions at least one hundred and eighty days during each year, and each daily session shall be at least three hours long.

SECTION 2. Any person desirous of establishing an Independent School, shall make an application in writing to that effect, to the School Agent of the District in which he may desire to establish his School ; which application shall be accompanied by a memorial from the parents and guardians of the children proposed to be gathered into a school, stating that the applicant is the person of their choice for a teacher of their children.

SECTION 3. Upon receiving an application from any person, as provided for in Section 2 above, the District School Agent shall, within five days of the reception thereof, notify the applicant that an examination will be held in regard to his qualifications as an instructor of youth, at a time, not later than three days from the date of such notification, and at such place as he may deem best. He shall also notify the applicant that it is his privilege to nominate any person he may deem fit, to act on a committee in conjunction with two other persons, one of whom shall be appointed by the school agent and the other be chosen by the two appointees of the School Agent and applicant.

SECTION 4. The Committee, as constituted in Section 3 above, shall immediately after organization, proceed to examine the applicant, in respect to his qualifications as an instructor of the young. If the result of such examination shall be favor-

able to the applicant, the Committee shall make a written report to that effect to the School Agent, and shall forthwith issue to the applicant, a certificate, setting forth his qualifications; and such certificate shall be signed by all the members of the Committee and attested by the School Agent, and shall be deemed full authority, permitting the holder thereof to establish a School, under the provisions of this Act.

**SECTION 5.** Any person who may receive a certificate as provided for in Section 4, of this Act, and who shall nevertheless violate any of the provisions of this Act, shall be liable to a withdrawal of his certificate as teacher, upon complaint entered and proved before any Police or District Magistrate, School Agent or the Inspector General of Schools.

**SECTION 6.** Nothing in this Act contained, shall be construed to forbid the establishment of Select and Independent Schools, when established by competent persons possessing good certificates from abroad, or by persons who shall have been known to have been successfully employed as teachers, either at home or abroad, provided the same be not of an immoral tendency.

**SECTION 7.** No assemblage of children for the avowed purpose of Instruction, shall be deemed a school, within the provisions of Law, unless the same shall conform to the provisions of this Act.

**SECTION 8.** This Act shall become a law, from and after the date of its approval, and all laws and parts of laws in conflict with this Act are hereby repealed.

Approved this 19th day of July, A. D. 1870.

**KAMEHAMEHA R.**

## CHAPTER XXXVIII.

## AN ACT

TO FURTHER AMEND SECTION 146 OF THE CIVIL CODE.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. That that part of an Act entitled "An Act to amend Sections 143 and 146, of the Civil Code, approved on the 31st day of December, A. D. 1864," which refers to and amends Section 146 of the Civil Code, is hereby repealed, and the said Section 146 of the Civil Code is amended to read as follows :

"SECTION 146. On the shipping of any natives to serve on board of any vessel, bound on a foreign voyage, the master of such vessel, shall pay to the Governor of the Island, or his agent, in lieu of the personal taxes of such native, the sum of Six Dollars if the time for which he has shipped shall not exceed twelve months ; and if it shall be for any period over twelve months, the sum of Twelve Dollars.

Provided, always, that if any native shall engage on board a Hawaiian registered vessel, for a period not exceeding six months no charges in lieu of taxes shall be collected from the master of the vessel, unless the term of his engagement on board of such vessel shall include the time of the payment of taxes ; in which case, the amount of such seaman's taxes shall be collected from the master of the vessel, and said master shall have the right to retain the amount so paid out of the wages of such seaman.

SECTION 2. This Act shall take effect and become a law, from and after the date of its passage.

Approved this 21st day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER XXXIX.

## AN ACT

TO AMEND THE LAW IN RELATION TO THE TAX ON ANIMALS, AND  
TO REPEAL SECTIONS 481 AND 497 OF THE CIVIL CODE.

*Be it Enacted by the King and the Legislative Assembly of the  
Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. All horses, mares and colts shall pay a yearly tax of seventy-five cents each ; provided however that this shall not be construed to conflict with the law in relation to stallions.

SECTION 2. All horses which may be put up at auction by the Pound Master, under the existing law, and which do not realize a sufficient sum of money to pay the pound fees and other expenses, shall be destroyed by the Pound Master, after consultation with the tax Assessor and Collector.

SECTION 3. Every person having the custody or possession of a horse or other animal subject to taxation, shall be deemed the owner thereof, for all purposes of taxation, and shall be taxed for the same ; provided that this shall not be construed to conflict with Section 492 of the Civil Code passed in 1864.

SECTION 4. All mules and asses shall be yearly taxed, fifty cents each.

SECTION 5. All dogs shall be yearly taxed, One Dollar each ; provided however that the Tax Collector shall, upon the receipt of the amount of the tax, from the owner of any dog, deliver to the said owner, a metallic tag for each and every dog so paid for ; which tag shall be stamped with the number of the year for which the tax shall have been paid ; and stamped also with a number ; which number shall be registered opposite the owner's name in the Tax Collector's book, from one upward, for each taxation district ; and the Tax Collector shall also collect from the said owner, the further sum of ten cents, for each and every tag given him as above ; all of which sums

the Tax Collector shall render a distinct account for, and pay over to the public treasury.

**SECTION 6.** Every owner of a dog shall append, or cause to be appended in a conspicuous manner, to the neck of each and every dog owned by him, a tag received from the Tax Collector, as provided for in Section 5 of this Act; or a tag stamped by the Government, like that furnished to him by the Tax Collector; and every dog found without a tag so appended, shall be destroyed by the police or constabulary force of the district.

**SECTION 7.** Any person who shall use a tag not furnished in accordance with the provisions of this Act, or who shall use the same tag during two successive years, or who shall counterfeit the tag delivered by the Tax Collector, or who shall fraudulently remove or cause to be removed, a tag from the neck of any dog, shall, upon conviction of the same, before any Police or District Justice, be fined not more than Ten Dollars, or be imprisoned at hard labor, not more than thirty days, in the discretion of the Court.

**SECTION 8.** The Minister of Finance is hereby authorized to cause to be prepared, a sufficient number of tags, as provided for in Sections 5 and 6 of this Act. He shall cause to be charged to the Tax Collectors, the number of tags issued to them respectively, and for which they shall be held responsible in the returns they may make under the provisions of this Act.

**SECTION 9.** Sections 481 and 497 of the Civil Code are hereby repealed, and all other laws and parts of laws in conflict with this Act, are hereby also repealed.

**SECTION 10.** This Act shall take effect and become a law, from and after the date of its passage; provided that Section 6 shall not take effect until the First day of December in the year One Thousand Eight Hundred and Seventy.

Approved this 21st day of July, A. D. 1870.

**KAMEHAMEHA R.**

## CHAPTER XL.

## AN ACT

TO ENABLE THE COMMISSIONERS OF CROWN LANDS TO CONVEY CERTAIN PARCELS OF LAND BELONGING TO THE ROYAL DOMAIN.

WHEREAS, By an Act approved January 3d, A. D. 1865, entitled "An Act to relieve the Royal Domain from incumbrances, and to render the same inalienable," it was enacted among other things, "that so many of the lands, which by the Statute enacted on the 7th of June, 1848, are declared to be the private lands of His Majesty Kamehameha III, to have and to hold to himself, his heirs and successors forever, as may be at this time unalienated, and have descended to His Majesty Kamehameha V, shall be henceforth inalienable, and shall descend to the heirs and successors of the Hawaiian Crown forever ; and it is further enacted, that it shall not be lawful hereafter, to execute any lease or leases, for any term of years to exceed thirty," and

WHEREAS, By a certain lease, dated March 1st, 1862, His late Majesty, Kamehameha IV, did agree for a valuable consideration, that Thomas Spencer, the Lessee in said lease mentioned, should at any time during the time in the said lease mentioned, have the privilege to purchase the fee simple in the said described premises, to wit : In a part of the land of Puueo, in the district of Hilo, Hawaii, that belongs to His said Majesty, within the following boundaries, viz. : Bounded on the makai side by the sea ; on the Waiakea side by the Wailuku River ; on the mauka side by a line parallel with the makai face of the forest and one half mile back from the same ; on the Hamakua side by the Pukihai Stream, together with the forest part of the land of Puueo, not included in this lease, for the sum of Two Thousand Five Hundred Dollars. And the said T. Spencer now makes a proffer to pay the said sum of Two Thousand and Five Hundred Dollars, and requests the conveyance of the said Real Estate, as by the said lease stipulated, and

WHEREAS, His Majesty Kamehameha IV, did, in the year 1864,

agree to convey to the Waimea Grazing Company, for the sum of One Hundred Dollars, a certain lot, situated at Waimea, Island of Hawaii, which said lot, containing  $6\frac{1}{16}$  acres, is bounded and described as follows: Beginning at the E. S. corner of a stone wall that incloses the Puuloa premises, (this corner stands on the north side of the road leading from Puuloa to Mr. Lyons' Church,) thence along a stone wall that incloses this lot on the south side, north  $40\frac{1}{2}^\circ$  E., 9.08 chains, to corner of wall S. E. corner of this lot, thence along the wall N. E. side of this lot N.  $24^\circ$  W., 1.86 chains, N.  $56\frac{1}{2}^\circ$  W., 4.69 chains, N.  $68^\circ$  W., 2.65 chains, to the N. E. corner of wall and lot, thence makai along the wall N. W. side of this lot, S.  $46\frac{3}{4}^\circ$  W., 2.65 chains, S.  $43\frac{1}{2}^\circ$  W., 2.20 chains to the S. W. corner of wall and lot near the branch, thence S.  $41\frac{1}{2}^\circ$  E., 3.00 chains, S.  $15^\circ$  W., 2.70 chains, to the S. W. corner of this lot, thence along the stone wall makai side of this lot, S.  $40^\circ$  E., 5.33 chains, to the place of beginning, containing  $6\frac{1}{16}$  acres, and

WHEREAS, Kamehameha IV. did likewise, during his life-time sell and agree to convey to Keahi a certain piece or parcel of land in the Ili of Kapapohaku, in the Ahupuaa of Wailuku, Island of Maui, bounded and described as follows: "E hoomaka ana i ke kahi Hema Hikina ma kapa alanui Aupuni, e pili ana me Kuihelani, a e holo ana a  $16^\circ$  Hi., 5.65 kaul., e pili ana ma alanui a  $43^\circ$  Ko. 14.54 kaul., e pili Kealakai He.  $59\frac{1}{2}^\circ$  Ko., 6.38 kaul., e pili Kauuwai He.,  $42\frac{1}{2}^\circ$  Hi. 15.82 kaul., e pili Kuihelani He.  $68\frac{1}{2}^\circ$  Hi., 3.44 kaul., e pili Kuihelani i kahi hoomaka ai; ka ili  $10\frac{1}{2}$  Eka, and

WHEREAS, Kamehameha IV. did likewise in his lifetime sell and agree to convey to Kanalulu, a certain tract of land situated in the Ili of Kapaaloa, district of Wailuku, Island of Maui, bounded and described as follows: E hoomaka ana ma ke kahi Hikina pili i ke alanui a me ke Kuleana o Kaolulo, a e holo ana, He.  $28\frac{1}{2}^\circ$  Ko., 3.07 kh. ma ke Alanui a me Rev. P. Kahale, a  $51^\circ$  Ko., 10.40 kh., ma Ko. Hikina 5.92 kh., Konohiki ka Moi, He.  $43\frac{1}{2}$  Hi., 5.20 Konohiki



ka Moi a me Kaolulo, a hiki i ke kihi mua, ka Ili 2  $\frac{1}{16}$  Eka ; and likewise to Kekipi a certain tract or parcel of land situated in the Ili of Lamalei, district of Wailuku, aforesaid, which said tract or parcel of land is bounded as follows : E hoomaka ana i ke kihi Hikina a e holo ana, he  $33\frac{1}{2}^{\circ}$  Ko. 3.58 kaula a pili ana me Kuihelani, a  $45^{\circ}$  Ko. 3.25 kaul. e pili ana me Kekipi, a  $49\frac{1}{2}$  Hi. 3.37 kaul. e pili ana me Pupuka, he  $48^{\circ}$  Hi 2.15 kaul. e pili ana me Poalima, a hiki a kahi i hoomaka ai ka Ili  $\frac{1}{16}$  eka, and

WHEREAS, the said Kamehameha IV., did at the several times when the said contracts of sale were made, have good right and lawful authority to make the same, and a valuable consideration was paid and agreed to be paid, Now therefore,

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

That the Commissioners of Crown Lands be, and are hereby authorized and empowered, to make good and valid conveyances of the above described tracts of land, which said conveyances shall be of the same effect in law, as though the same had been made by His aforesaid Majesty, Kamehameha IV., in his lifetime.

Approved this 21st day of July, A. D. 1870.

KAMEHAMEHA R.

## CHAPTER XLI.

## AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT AUTHORIZING THE BOARD OF EDUCATION TO ESTABLISH AN INDUSTRIAL AND REFORMATORY SCHOOL, FOR THE CARE AND EDUCATION OF HELPLESS AND NEGLECTED CHILDREN, AS ALSO FOR THE REFORMATION OF JUVENILE OFFENDERS," APPROVED DECEMBER 30TH, A. D. 1864, AND TO AUTHORIZE THE BOARD OF EDUCATION TO CONTINUE THE INDUSTRIAL AND REFORMATORY SCHOOL AT KEONEULA, KAPALAMA, OAHU; AS WELL AS TO INSTITUTE OR ESTABLISH, WHEN NECESSARY, OTHER INDUSTRIAL AND REFORMATORY SCHOOLS.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. That the Act, entitled "An Act authorizing the Board of Education to establish an Industrial and Reformatory School, for the care and education of helpless and neglected children, as also for the reformation of juvenile offenders," approved December 30th, 1864, be, and the same is hereby repealed, from Section 1 to Section 10, inclusive.

SECTION 2. The Board of Education is hereby authorized to continue the Industrial and Reformatory School established in March, A. D. 1865, at Keoneula, Kapalama, Oahu, under the Act of December 30th, 1864, authorizing the same; to be, as heretofore, conducted under the direction and supervision of the Board of Education.

SECTION 3. It shall be lawful for the Board of Education to institute and establish Industrial and Reformatory Schools in any part of the Kingdom, when the same shall be deemed necessary, and when funds shall be available by Legislative appropriation, for that object. All such Schools shall be conducted under the direction and supervision of the Board of Education.

**SECTION 4.** The only object of the said Industrial and Reformatory Schools shall be the detention, management, education, employment, reformation and maintenance of such children as shall be committed thereto, as Orphans, Vagrants, Truants, living an idle or dissolute life, who shall be duly convicted of any crime or misdemeanor, who shall be surrendered to the Board of Education as guardians thereof, for the term of their minority, or who shall be received at such Schools as hereinafter provided.

**SECTION 5.** The Police or District Justices are hereby authorized to commit all offenders duly convicted before them, under fifteen years of age, to said Industrial and Reformatory Schools, in all cases where they shall deem such sentence to be more suitable than the punishment otherwise authorized by law.

**SECTION 6.** The said Police or District Justices, on the representation of any member of the Board of Education, its Agents, the Attorney General or his authorized deputy, the Marshal or his deputy, or the Sheriff or Deputy Sheriff of any Island ; shall have power to hear and determine any case, and to sentence for any term within their minority to some Industrial and Reformatory School, any child under fifteen years of age, who lives an idle or dissolute life, whose parents are dead, or if living, from drunkenness or other vices or causes, shall neglect to provide suitable employment for, or exercise salutary control over such child.

**SECTION 7.** The Board of Education, or its Agents, if authorized by the said Board, shall have power to accept from the parents or guardian of any child, the surrender of such child for the term of his or her minority, to be entered at some Industrial and Reformatory School : and all the rights of parents or guardians, to keep, control, educate, employ, indenture or discharge such child, shall vest solely in the Board of Education.

**SECTION 8.** It shall be lawful for the Board of Education, in its discretion, to receive into such Industrial and Reformatory Schools, the children under fifteen years of age, of parents,

guardians or adoptive parents, who shall desire the same ; and the said Board is hereby authorized to charge fees, or remit the same in special cases, for the children so admitted, as in the judgment of the said Board shall seem proper.

**SECTION 9.** The Principals of said Schools, shall receive and detain at said Industrial and Reformatory Schools, all children who shall be committed thereto, or placed therein, as provided in sections 5, 6, 7 and 8 of this Act, and they shall be charged with the detention and custody of all children so committed or admitted, and with the execution of all orders, as well as process of Court, respecting such children.

**SECTION 10.** It shall be lawful for the Board of Education, or its agents if authorized by said Board, to bind out as apprentices, with their consent, all children over ten years of age, as shall be committed or surrendered for their minority, and who shall have been admitted at any Industrial and Reformatory School, to such useful trades, employments, or occupations, as shall be suitable to their years and capacity, and as in the judgment of the said Board, will tend to the future benefit and advantage of such children.

**SECTION 11.** Whenever it shall be found that apprenticeships can not be obtained, or suitable employment be provided at any Industrial and Reformatory School, for children over fifteen years of age, who shall have been committed or surrendered thereto, for their minority, or sentenced for a shorter time, for any crime or misdemeanor, the Board of Education or its agents, if authorized by the said Board, shall have authority to put them out to labor to families, or other suitable persons, upon such terms and conditions, as in the opinion of the said Board shall be deemed proper.

**SECTION 12.** The Board of Education shall have power, for good reasons shown to its satisfaction, to discharge or temporarily release, any child committed to or admitted at any Industrial and Reformatory School, who shall not have been bound out as an apprentice or adopted. And the Police or District

Justices, shall also have power to discharge from such schools, children committed from their respective districts, who shall not have been bound out as apprentices or adopted, if upon the hearing of any application for the same, said Judges shall consider that such discharge is expedient. But it shall be incumbent on said Police or District Justices, before granting any discharge that shall be applied for, to give thirty days notice of the same, in writing to the Board of Education.

**SECTION 13.** Any person who shall secretly or illegally abduct, or who shall be accessory to the secret or illegal abduction of any child from any Industrial and Reformatory School, shall be fined not exceeding One Hundred Dollars, or imprisoned at hard labor not exceeding one year ; and any Police or District Justice shall have jurisdiction of any case arising under this Section, within his district.

**SECTION 14.** Any person who shall knowingly or intentionally entice away any child from any Industrial and Reformatory School, or who shall knowingly harbor or secrete any child who shall have been enticed away, or who shall have deserted from any such school, or who shall have left or forsaken his guardian or employer without permission, shall be fined not exceeding One Hundred Dollars, in the discretion of the Police or District Justice having jurisdiction of the case, as in the last preceding Section provided.

**SECTION 15.** All commitments to Industrial and Reformatory Schools, shall be directed to the Board of Education, or its authorized agents in the respective districts, but the Marshal of the Kingdom, or his deputies shall be charged by such commitments, with the execution of all orders for the custody and safe keeping of the children committed to the said Industrial and Reformatory Schools, until delivered over to the Principal of the School to which such children shall have been committed, and shall defray all expenses attending the conveyance of such children to their place of destination, from the funds under his or their control, available for such purposes.

**SECTION 16.** It shall be incumbent on the Marshal or any of his deputies, to assist, as far as in their power lies, in the apprehension and recovery of deserters from any Industrial and Reformatory School, when requested to do so by the Board of Education, its agents or the Principal of any such school ; and likewise to assist as far as possible in enforcing order and maintaining discipline therein, should circumstances at any time arise necessitating the exercise of such authority.

**SECTION 17.** The Board of Education shall have full authority to prescribe rules and regulations, not in contrariety to the laws of the land, for the government, discipline and care of all Industrial and Reformatory Schools, continued, established, or instituted under this Act.

**SECTION 18.** The Board of Education shall cause to be kept in every Industrial and Reformatory School, a Journal, in which shall be regularly entered, the reception, discharge, release, escape or death of each of the inmates; together with all the particulars relating to such as shall be apprenticed, adopted or put out to work. An exact account shall also be kept by the Principal of each of the said schools, of all moneys and other avails recived for work performed by the children, as well as of the expenditure of such moneys and avails as shall be authorized from time to time by the Board of Education.

**SECTION 19.** This Act shall take effect and become a law, at the expiration of two months from the date of its approval.

Approved this 21st day of July, A. D. 1870.

**KAMEHAMEHA R.**

## CHAPTER XLII.

## AN ACT

MAKING SPECIFIC APPROPRIATIONS FOR THE USE OF THE GOVERNMENT, DURING THE TWO YEARS WHICH WILL END WITH THE THIRTY FIRST DAY OF MARCH, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY TWO.

*Be it Enacted by the King and the Legislative Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled :*

SECTION 1. The following sums, amounting to One Million, One Hundred and Sixty Six Thousand, Three Hundred and Ninety Six Dollars and Twenty Five Cents, are hereby appropriated out of any money in the Treasury, for the service of the Biennial Fiscal Period, commencing with April 1st, 1870, and ending with March 31st, 1872, viz :

## CIVIL LIST.

His Majesty's Privy Purse and Royal State.....	\$45,000
His Majesty's Chamberlain and Secretary.....	5,000
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	\$50,000

## PERMANENT SETTLEMENTS.

Her Majesty Queen Kalama.....	\$ 8,000
Her Majesty Queen Emma.....	12,000
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	\$20,000

## LEGISLATURE AND PRIVY COUNCIL.

Expenses of the Legislature.....	\$15,000
Secretary of Privy Council—\$5.00 each meeting.....	200
Completing copy of Privy Council Records .....	200
Stationary and incidentals of the Privy Council.....	100
	<hr/>
	\$15,500

## JUDICIARY DEPARTMENT.

Salary of Chancellor and Chief Justice.....	\$10,000
Salary of First Associate Justice.....	8,000
Salary of Second Associate Justice.....	8,000

Clerk Supreme Court.....	4,000
Deputy Clerk Supreme Court.....	2,400
Interpreter, Supreme and Police Court.....	2,000
Salary Circuit Judge Oahu .....	2,400
Salary Circuit Judge of Maui.....	4,000
Traveling Expenses Circuit Judge Maui.....	200
Salary Circuit Judges Hawaii.....	3,600
Salary Circuit Judge Kauai.....	2,000
Salary Police Judge Honolulu.....	4,000
Salary Police Judge Hilo.....	2,000
Salary Police Judge Lahaina.....	2,000
Salary District Judge Puna, Hawaii.....	600
Salary District Judge Kau, Hawaii.....	600
Salary District Judge North Kona, Hawaii.....	450
Salary District Judge South Kona, Hawaii.....	450
' Provided, if there be two Judges appointed for North and South Kona, each shall receive the sum of Six Hundred Dollars.	
Salary District Judge North Kohala, Hawaii.....	600
Salary District Judge South Kohala, Hawaii.....	600
Salary District Judge Hamakua, Hawaii.....	600
Salary District Judge Wailuku, Maui.....	700
Salary District Judge Makawao, Maui.....	600
Salary District Judge Hana, Maui.....	600
Salary District Judge Kaupo, Maui.....	600
Salary District Judge Molokai.....	600
Salary District Judge Lanai.....	400
Salary District Judge Ewa and Waianae, Oahu.....	600
Salary District Judge Waialua and Koolauloa, Oahu.....	600
Provided if Waialua be made a separate district, the sum shall be.....	
	500
Salary District Judge Waialua, Oahu.....	500
Salary District Justice Koolaupoko, Oahu.....	600
Salary District Judge Anahola, Kauai.....	500
Salary District Judge Hanalei and Anahola, Kauai.....	600
Provided, if there be a separate Judge appointed for the District of Anahola, then the word "Anahola" shall be stricken out of this item.	
Salary District Judge Lihue, Kauai.....	600



Salary District Judge Koloa, Kauai.....	\$ 600
Salary District Judge Waimea, Kauai .....	600
Salary Clerk Second Judicial Circuit Court.....	400
Salary First Clerk Third Judicial Circuit Court.....	300
Salary Second Clerk Third Judicial Circuit Court.....	300
Salary of Clerk of Fourth Judicial Circuit Court.....	300
Stationery and incidentals for all the Courts, (inclusive of expense of printing and postage, and payable to the Clerk of the Supreme Court, upon order of the Chancellor, and to be expended by the Clerk, under the supervision of the Chancellor ).....	1,000
Expenses of Supreme Court, including expenses of witness- es in criminal cases.....	2,300
Expenses of Court of Second Judicial Circuit.....	1,200
Expenses of Court of Third Judicial Circuit.....	1,500
Expenses of Court of Fourth Judicial Circuit.....	600
Purchase of Law Books.....	500
Temporary provision for John Li.....	250
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	\$75,850

**DEPARTMENT OF FOREIGN AFFAIRS AND WAR.**

Salary of Minister.....	\$10,000
Salary of Secretary.....	4,000
Office expenses of Foreign Agents.....	2,000
Postage and incidentals.....	2,000
Expenses of Foreign Missions.....	5,000
Support of Military.....	75,250
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	\$98,250

**DEPARTMENT OF THE INTERIOR.**

Salary of Minister.....	\$ 10,000
Salary of Chief Clerk.....	4,000
Salary of 2nd Clerk.....	3,000
Salary of Governor of Oahu.....	3,600
Salary of Governor of Maui.....	3,600
Salary of Governor of Kauai.....	2,400
Salary of Governess of Hawaii.....	2,000
Salary of Lieut. Governor of Hawaii.....	2,000
Salary Clerk Governor of Oahu.....	800

Salary Clerk Governor of Maui.....	1,000
Salary Clerk Governor of Kauai.....	600
Salary Clerk Governess of Hawaii.....	2,000
Salary Postmaster General.....	5,000
Salary 1st Clerk in Post Office.....	2,400
Salary 2nd Clerk in Post Office.....	832
Incidentals and other expenses of Post Office.....	7,800
Pay of Postmasters on Hawaii.....	800
Pay of Postmasters on Maui.....	1,000
Pay of Postmasters on Kauai.....	400
Pay of Mail Carriers.....	6,184
Pay of Road Supervisors.....	9,000
Pay of Messengers.....	1,144
Pay of Keeper of Royal Mausoleum.....	600
New Sarcophagus for body of His late Majesty Ka- meameha III.....	1,000
Expenses of Mausoleum.....	500
Salary Jailor of Oahu Prison.....	3,000
Salary of Water Supervisor and Clerk of Market.....	3,600
Purchase of Road Stock.....	1,500
Road Damages.....	2,000
Government Surveying.....	5,000
Interpreting and Translating.....	1,000
Royal Palace, Provided the same is not expended for any other object.....	60,000
Completing new Post Office.....	6,000
For Completion of the extension of School Street.....	5,000
Roads and Bridges Contingent for Hawaii.....	3,000
For roads in Kau and Buoy at Punaluu.....	3,000
Roads and Bridges, Kohala, Hawaii.....	2,000
Roads and Bridges, Puna, Hawaii.....	1,000
Roads and Bridges, Hamakua, Hawaii.....	2,000
Roads and Bridges, Hilo to Waimea.....	10,000
Roads and Bridges, Kona, Hawaii.....	4,000
Roads and Bridges, Hilo, Hawaii.....	2,000
Roads and Bridges on Maui.....	6,000
Roads and Bridges on Oahu.....	10,000
For Bridge over Stream at Waiawa, Ewa.....	3,000

For New Road over Nuuanu Pali.....	\$ 20,000
Roads and Bridges on Kauai.....	1,000
Repairs on Government Buildings.....	10,000
Rent of Government Offices.....	2,400
Purchase of Queen Kalama's interest in the Station House, Honolulu, not exceeding.....	3,000
Court House and Lock-up, Waialua, Oahu.....	1,400
Court House and Lock-up, Hana, Maui.....	1,500
Court House and Lock-up, Kona, Hawaii.....	1,000
Court House and Lock-up, North Kohala, Hawaii.....	1,000
Lock-up in Hamakua, Hawaii.....	500
Lock-up in Honolulu.....	2,000
Court House and Lock-up, Koloa, Kauai.....	1,500
For Repairs on Court House, Waimea, Kanai.....	300
Enclosing and Enlarging new Jail, Hilo.....	3,000
Fencing Court House Lot, Hilo.....	1,500
For Desk, Tables and Chairs, Court House, Molokai....	100
New Government Offices.....	60,000
Support of Prisoners.....	9,000
Government Printing.....	12,000
Purchase of Books for Government Library.....	1,000
Leper Establishment.....	25,000
Travelling Physicians and Nurses.....	12,000
General expenses Board of Health.....	12,000
Insane Asylum.....	14,000
Aid to Queen's Hospital.....	8,000
Encouragement of Agriculture and Immigration.....	15,000
Expenses of Bureau of Water Works.....	6,000
New Water Pipes.....	4,000
New Wharves and Repairs of Wharves.....	10,000
Shed on New Steamboat Wharf.....	8,000
Dredging Honolulu Harbor.....	25,000
Running Expenses of Steamer "Pele".....	11,000
Anchors and Buoys.....	2,000
Scow for Waialua River, Kauai.....	400
Court House at Ewa.....	1,000
Scow at Hanalei.....	400
Landing Stage at Honakaa and Honomalina.....	2,500

Expenses of Light House, Honolulu.....	\$ 1,500
Expenses of Light House, Hilo.....	400
Expenses of Light House, Lahaina.....	500
Expenses of Light House, Kawaihae.....	200
Fire Department, Honolulu.....	12,362
For a new Steamboat Wharf.....	16,000
For Repairs of Streets in Lahaina.....	2,000
For Breakwater at Lahaina.....	400
For Jail at Lanai.....	1,000
For Repairs on Pali at Wailau, Molokai.....	2,000
Incidentals of Interior Department.....	1,500
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	\$526,122

## DEPARTMENT OF FINANCE.

Salary of Minister.....	10,000
Salary of Registrar of Public Accounts.....	4,000
Salary of Collector General of Customs.....	6,000
Salary of Deputy Collector.....	3,800
Custom House Surveyor and Guard.....	2,400
Store Keeper, Honolulu.....	2,400
Assistant Guards, Honolulu.....	2,000
Incidentals and Extra Clerk-hire, Custom House.....	2,000
Collector and Harbor Master, Kawaihae.....	400
Collector and Harbor Master, Kealakekua.....	200
Custom House Boat.....	800
Rent of Wharf Lot.....	2,000
Hospital Fund (estimated receipts).....	5,000
Pay of Tax Assessors (not to exceed five per cent).....	21,000
Pay of Tax Collectors (not to exceed five per cent).....	11,300
National Debt falling due.....	1,400
Interest on National Debt.....	22,000
Inter-Island Steam Navigation.....	25,000
To Establish Steam Communication with Kauai, to be used at the discretion of His Majesty's Cabinet.....	12,000
Incidentals Finance Department.....	2,000

Expenses incidental to the visit of the Duke of Edinburg	\$2,841 25
Salaries due and unpaid. Table C.....	173
To be paid at the discretion of His Majesty's Cabinet, with the consent of a majority of the Privy Council, in sums not exceeding Two Thousand Dollars per Month, to any line of Steamers, running between the port of Honolulu and Australia and New Zealand, mak- ing Honolulu a terminus or stopping place for receiving and delivering Cargo. The said sum to be raised in the manner provided by the Second Section of an Act entitled "An Act to encourage Ocean Steam Naviga- tion" passed the 22nd day of June, A. D. 1868.....	50,000
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	\$188,514 25

**ATTORNEY GENERAL'S DEPARTMENT.**

Salary of Attorney General.....	10,000
Salary of Clerk of Attorney General.....	2,400
Incidentals and Traveling Expenses.....	1,000
Salary of Marshal of the Kingdom.....	6,000
Salary of the Sheriff of Hawaii.....	4,000
Salary of Sheriff of Maui.....	4,000
Salary of Sheriff of Kauai.....	2,000
Salary of Clerk of Sheriff of Hawaii.....	1,000
Salary of Clerk of Sheriff of Maui.....	1,000
Apprehension of Criminals.....	3,000
Police of Oahu and Deputy Constables.....	35,000
Police of Maui.....	8,000
Police of Hawaii.....	10,800
Police of Kauai.....	5,300
Incidentals of Police Service.....	1,000
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	\$94,500

**BUREAU OF PUBLIC INSTRUCTION.**

Salary of Inspector General.....	4,000
Salary of Clerk of Bureau.....	3,000
Support of Hawaiian and English Schools.....	41,000

Support of Common Schools in destitute districts.....	\$ 17,000
Printing of School Books, Eight Hundred Dollars of which sum shall be expended in binding the new Arithmetic as Recommended by the Assembly.....	5,000
Stationery and Incidentals.....	600
Reformatory School.....	15,200
Building new School Houses.....	3,000
Endowment of Scholarships.....	360
For the Printing Hawaiian History to be used in the discretion of the Board of Education, and provided the same be not transferable to any other item.....	2,500
For Medical Education of Hawaiians, provided the same be not transferable to any other item.....	4,000
Printing of the "Flora of the Hawaiian Islands" in the Hawaiian and English Languages.....	2,000
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	97,660

RECAPITULATION.

Civil List.....	\$ 50,000 00
Permanent Settlements.....	20,000 00
Legislature and Privy Council.....	15,500 00
Judiciary Department.....	75,850 00
Department of Foreign Affairs and War.....	98,250 00
Department of the Interior.....	526,122 00
Department of Finance.....	188,514 25
Attorney-Generals Department.....	94,500 00
Bureau of Public Instruction.....	97,660 00
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	\$1,166,396 25

SECTION 2. The Minister of Finance shall credit the appropriations of the last Biennial Fiscal Period, all the amounts appropriated by the Act approved the Twenty-fourth day of June, A. D. 1868, and remaining unexpended on the 31st day of March, 1870, not otherwise specially, re-appropriated, and such amounts shall be deemed no longer available for the objects for which they were originally appropriated.

SECTION 3. The Minister of Finance shall continue to pay

the salaries appropriated by this Act, the compensation of Soldiers and Constables, the expenses of the Fire Department, of the Supreme and Circuit Courts, Exchequer Bills and Government Stocks, and the interest accruing thereon, until the 30th day of June, A. D. 1872, unless new appropriations are made before that date.

**SECTION 4.** The Minister of Finance shall not cause or allow to be paid from the Treasury, any money for objects not provided for by this law; provided however, that all sums temporarily deposited in the Treasury, for which certificates of deposit are issued, and the interest thereon may be paid when due, without special appropriation for that object; and provided further, that in the event of war, invasion, rebellion, pestilence, or other public disaster arising, His Majesty, in Privy Council, may appropriate such amounts as may be necessary to meet the emergency, and the Minister of Finance shall render to the next Legislature a detailed account of the same.

**SECTION 5.** It shall be lawful for the Heads of Departments, in cases where special appropriations may fall short, to apply to same the surplus of other special appropriations in the same Department, not required to be expended, so as to make up the deficiency; each Head of Department duly accounting to the Legislature for such transfer; but in no case shall appropriations for internal improvements in one gubernatorial division be transferred to another.

**SECTION 6.** No person holding more than one office for which salaries are provided, shall be authorized to draw for more than the salary of the highest grade of office held by him, if the salary of any office held by him shall amount to Two Thousand Dollars or more per annum, and he shall be entitled to no other or further compensation.

**SECTION 7.** This Act shall take effect from and after the date of its passage.

Approved this 22nd day of July, A. D. 1870.

**KAMEHAMEHA R.**

## TREATY WITH ITALY.

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His Majesty, the King of Italy, on the one part, and His Majesty, the King of the Hawaiian Islands, on the other part, desiring to facilitate the establishment of commercial relations between Italy and the Hawaiian Islands, and to favor their development by a treaty of amity, commerce, and navigation, suited for securing to the two countries equal and reciprocal advantages, have nominated for this purpose Plenipotentiaries, that is to say :

His Majesty, the King of Italy, the Chevalier Constantine Nigra, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of the French ; and His Majesty, the King of the Hawaiian Islands, Sir John Bowring, his Envoy Extraordinary and Minister Plenipotentiary ;

Who, having mutually communicated their powers and found them in good and true form, have agreed upon the following Articles :

*Article 1.* There shall be perpetual peace and constant friendship between the Kingdom of Italy and that of the Hawaiian Islands, and between the citizens of the two countries without exception of person or place.

*Article 2.* There shall be, between Italy and the Hawaiian Islands, reciprocal freedom in commerce and navigation.

Italians in the Hawaiian Islands, and Hawaiian subjects in Italy, may enter in the same liberty and security with their vessels and cargoes as are enjoyed by the natives themselves in all places, ports and rivers which are, or shall in future be open to foreign commerce, provided, always, that the police



regulations employed for the protection of the citizens of the most favored nations be respected.

*Article 3.* The citizens of the two contracting parties may, like the natives in the respective territories, travel or reside, trade wholesale or retail, rent or occupy the houses, stores and shops which they may require ; they may carry on the transport of merchandise and money, and receive consignments ; they may also, when they have resided more than a year in the country, and the real or personal property which they may possess shall offer a sufficient security, be admitted as sureties in Custom-house transactions. The citizens of both countries shall, on a footing of perfect equality, be free both to purchase and to sell, to establish and to fix the price of goods, merchandise and articles of every kind, whether imported or of home manufacture, whether for home consumption or for exportation. They shall also enjoy liberty to carry on their business themselves, to present to the Custom-house their own declarations, or to have their places supplied by their own attorneys, factors, consignees, agents or interpreters, whether in the purchase or sale of their goods, property or merchandise ; whether for the loading or unloading and expedition of their vessels.

They shall also have the right to fulfill all the functions that are confided to them by their own countrymen, by strangers, or by natives, in the position of attorneys, factors, agents, consignees, or interpreters.

For the performance of all these acts, they shall conform to all the laws and regulations of the country, and they shall not be subject, in any case, to any other charges, restrictions, taxes or impositions than those to which the natives are subject provided, always, that the police regulations employed for the protection of the most favored nation be respected. It is also specially provided that all the advantages of any kind whatever, actually granted by the laws or decrees now in force, or which shall in future be accorded to foreign settlers, shall be guaranteed to Italians established, or who shall establish themselves in whatever locality they may deem it in the Ha-

waiian territory, and the same shall hold good for Hawaiian subjects in Italy.

*Article 4.* The respective citizens of the two countries shall enjoy the most constant and complete protection for their persons and property. Consequently, they shall have free and easy access to the courts of justice in the pursuit and defense of their rights, in every instance and degree of jurisdiction established by the laws. They shall be at liberty, under any circumstances, to employ lawyers, advocates or agents from any class, whom they may see fit to authorize to act in their name. In fine, they shall in all respects enjoy the same rights and privileges which are granted to natives, and they shall be subject to the same conditions.

*Article 5.* The Italians in the Hawaiian Islands, and the Hawaiians in Italy, shall be exempt from all service, whether in the army or navy, or in the national guard or militia, and they can not be subject to any other charges, restrictions, taxes or impositions on their property, real or personal, than those to which the natives themselves are subject.

*Article 6.* The citizens of both countries respectively shall not be subject to any embargo, nor to be detained with their vessels, crews, cargoes, or commercial effects, for any military expedition whatever, nor for any public or private service whatever, unless the Government or local authority shall have previously agreed with the parties interested that a just indemnity shall be granted for such service, and for such compensation as might fairly be required for the injury which, (not being purely fortuitous,) may have grown out of the service which they have voluntarily undertaken.

*Article 7.* The most entire liberty of conscience is guaranteed to the Italians in the Hawaiian Islands, and to Hawaiian subjects in Italy. Both parties must conform in the outward observance of their religion to the laws of the country.

*Article 8.* Citizens of either of the contracting parties shall, on the respective territories, have the right of possessing property of any sort, and of disposing of the same to the natives.

Italians shall enjoy in all the Hawaiian territories the right of collecting and transmitting successions *ab intestat*, or testamentary, as Hawaiians, according to the laws of the country, without being subjected as strangers to any burdens or imposts which are not paid by the natives.

Reciprocally, Hawaiian subjects shall enjoy in Italy the right of transmitting successions *ab intestat*, or testamentary, on the same conditions as Italians, according to the laws of the country, and without being subject, as strangers, to any charge or impost not paid by the natives.

The same reciprocity between the citizens of the two countries shall exist for donations *inter vivos*.

On the exportation of property collected or acquired under any head by Italians in the Hawaiian Islands, or by Hawaiians in Italy, there shall be no duty on removal or emigration, nor any duty whatever to which natives are not subjected.

*Article 9.* All Italian or Hawaiian vessels sailing under their respective flags, and which shall be bearers of the ship's papers and documents required by the laws of their respective countries, shall be considered as Italian or Hawaiian vessels respectively.

*Article 10.* Italian vessels which shall arrive either in ballast or laden in Hawaiian ports, or which shall leave the same, and, reciprocally, Hawaiian vessels which, either in ballast or laden, enter or leave the ports of Italy, whether by sea, river, or canals, whatever be the port of their departure or their destination, shall not be subject, either on entry or departure, to duties on tonnage, port or transit, pilotage, anchorage, shifting, light-houses, sluices, canals, quarantine, salvage, bonding warehouses, patents, brokerage, navigation, passage, or to any duties or charges whatever levied on the hulks of vessels received or established for the benefit of the Government, public functionaries, communes, or establishments of any sort, other than those which are now or may hereafter be levied on national vessels.

*Article 11.* In all that regards the stationing, the loading and unloading of vessels in the ports, roadsteads, harbors and

docks, and generally for all the formalities and arrangements to which vessels employed in commerce, with their freights and loading, may be subject, it is agreed that no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country, the intention of the high contracting parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

*Article 12.* Vessels of the contracting parties compelled to seek shelter in the ports of the other, shall pay neither on the vessels nor the cargo more duties than those levied on national vessels in the same situation, provided that the above-named ships shall carry on no commercial speculations, and that they tarry no longer in the aforesaid ports than is required by the motives which impelled them to seek such shelter.

*Article 13.* Italian ships of war and whaling ships shall have free access to all the Hawaiian ports; they may there anchor, be repaired, and victual their crews; they may proceed from one harbor to another of the Hawaiian Islands for fresh provisions.

In all the ports which are or may be hereafter opened to foreign vessels, Italian ships of war and whalers shall be subject to the same rules which are or may be imposed, and shall enjoy, in all respects, the same rights, privileges, and immunities which are or may be granted to Hawaiian ships and whalers, or to those of the most favored nation.

*Article 14.* Articles of all sorts imported into the ports of either of the contracting States, under the flag of the other, whatever be their origin, and from whatever country imported, shall pay neither other nor heavier duties of entry, and shall not be subjected to any other charges than if imported under the national flag.

*Article 15.* Articles of all sorts, exported from either of the two countries under the flag of the other, from whatever country they may be, shall not be subjected to other duties or other formalities than if exported under the national flag.

*Article 16.* Italian ships in the Hawaiian Islands, and Hawaiian ships in Italy, may discharge a portion of their cargo in the port of their first arrival, and proceed with the rest of their cargo to other ports of the same country which may be open to foreign trade, whether to complete their unloading or to provide their return cargo, and shall pay in neither port other or heavier duties than those levied on national vessels in similar circumstances.

As regards the coasting trade, the vessels of each country shall be mutually treated on the same footing as the most favored nations.

*Article 17.* During the period allowed by the two countries for the warehousing of goods no other duties than those for custody and storage shall be levied upon articles imported from one of the two countries into the other until they shall be removed for transit, re-exportation or internal consumption.

In no case shall such articles pay higher duties, or be liable to other formalities than if they had been imported under the national flag or from the most favored country.

*Article 18.* Merchandise shipped on board Italian or Hawaiian ships, or belonging to their respective citizens, may be transhipped in the ports of the two countries to a vessel bound for a national or foreign port, according to the custom house regulations of the two countries, and the goods so transhipped for other ports shall be exempt from all duties of custom or warehouse.

*Article 19.* Articles of all sorts proceeding from Italy or shipped for Italy shall enjoy in their passage through the territory of the Hawaiian Islands whether in direct transit or for re-exportation, all the advantages possessed under the same circumstances by the most favored nation.

Reciprocally, objects of every sort the produce of the Hawaiian Islands, or sent from that country, shall enjoy in their passage through Italy the same advantages as are possessed by the most favored nation.

*Article 20.* Neither one nor the other of the contracting

parties will impose upon the goods proceeding from the soil, the manufactures, or the warehouses of the other, different or greater duties on importation or re-exportation than those which shall be imposed on the same merchandise coming from any other foreign country.

Nor shall there be imposed on the goods exported from one country to the other, different or higher duties than if they were exported to any other foreign country.

No restriction or prohibition of importation or exportation shall take place in the reciprocal commerce of the contracting parties, which shall not be equally extended to all other nations.

*Article 21.* Consuls-General, Consuls, Vice-Consuls, and Consular Agents may be established by each country in the other, for the protection of commerce: such Agents shall not enter upon their functions or enjoyment of the rights, privileges and immunities which belong to them, until they have obtained the authorization of the territorial Government, which shall, besides, preserve the right of determining the place of residence where Consuls may be established; it being understood that neither Government will impose any restriction which is not common in the country to all nations.

*Article 22.* The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of Italy, in the Hawaiian Islands, shall enjoy all the rights, privileges, immunities and exemptions enjoyed by the Agents of the most favored nation, in the same circumstances. And the same shall be the position, in Italy, of the Hawaiian Consuls-General, Consuls, Vice-Consuls, and Consular Agents.

*Article 23.* The desertion of seamen embarked in the vessels of either of the contracting parties, shall be severely dealt with in their respective territories. In consequence, the Italian Consuls shall have power to cause to be arrested and sent on board, or to Italy, seamen who have deserted Italian vessels in the Hawaiian ports. But for this purpose they must apply to the competent local authorities, and justify, by the exhibition

of the original, or the duly certified copy of the ship's register, the roll, or other official documents, to prove that the persons named formed part of the ship's crew. On their application, so supported, the delivery of the seamen shall not be refused. All aid and assistance shall be given for the discovery and arrest of such deserters, who shall be detained in the prisons of the country, on the requirement and at the expense of the Consuls, until they shall find an opportunity of sending them away. If, however, no opportunity shall offer in the course of two months, counting from the day of arrest, the deserters may be set at liberty.

It is understood that seamen who are native Hawaiian, shall be excepted from this arrangement, and be treated according to the laws of their own country.

If the deserter have committed any crime in the Hawaiian territory, his release shall not take place until the competent tribunal shall have given judgment, and this judgment been carried into execution.

Hawaiian Consuls shall possess exactly the same rights in Italy, and it is formally agreed between the contracting parties that every other favor or facility granted, or to be granted, by either to any other power, for the arrest of deserters, shall be also granted to the present contracting parties, as fully as if they had formed part of the present Treaty.

*Article 24.* All operations connected with the salvage of stranded or wrecked Italian vessels on the Hawaiian coasts, shall be superintended by the Consular Agents of Italy, and, reciprocally, the Consular Hawaiian Agents shall superintend the operations connected with the salvage of Hawaiian vessels, stranded or wrecked on the Italian coasts. But if the parties interested happen to be on the spot, or the Captain possess adequate powers, the administration of the wreck shall be committed to them.

The intervention of the local authorities shall only be applied to the maintenance of order, to guarantee the rights of the salvors, if they do not belong to the shipwrecked crew, and

to insure the execution of the measures to be taken for the entry and departure of the saved goods. In the absence, and until the arrival of the Consular Agents, the local authorities will take the needful steps for the protection of persons and property wrecked.

The goods saved shall never be subjected to customs or other duty, unless they are disposed of for home consumption.

*Article 25.* The snips, merchandise and effects belonging to the respective citizens, which may have been taken by pirates, or conveyed to or found in the ports of either of the contracting parties, shall be delivered to their owners on payment of the expenses, should there be such, the amount to be determined by the competent tribunals, when the rights of the proprietors before these tribunals, and the claim being made within the space of eighteen months by the interested parties, by their attorneys, or by the Agents of their respective Governments.

*Article 26.* If, from a concurrence of unfortunate circumstances, differences between the contracting parties should cause an interruption of the relations of friendship between them, and that after having exhausted the means of an amicable and conciliatory discussion, the object of their mutual desire should not have been completely attained, the arbitration of a third power, equally the friend of both, shall, by a common accord, be appealed to, in order to avoid by this means a definitive rupture.

*Article 27.* The present Treaty shall be in vigor for ten years, to commence six months after the exchange of ratification. If, a year before the expiration of this term, neither of the contracting parties shall have announced by an official declaration its intention of terminating it, the Treaty shall still remain in force for a year, and so continue from year to year.

*Article 28.* The present Treaty shall be ratified, and the ratification exchanged at Paris, within the space of a year and a half or earlier if may be.



In faith whereof, the respective Plenipotentiaries have signed the same, and thereto affixed their seals.

Done in duplicate at Paris, the 22d of July, 1863.

(Signed)            CONSTANTINO NIGRA.            JOHN BOWRING.

*ADDITIONAL ARTICLE, to the Treaty of commerce and navigation concluded between the Kingdom of Italy and the Hawaiian Islands at Paris, the 22d day of July, 1863.*

The two high contracting parties agree : That whatever privilege, immunity, favor or diminution of duties on commerce or navigation which may be granted by either of the two States to any other power shall immediately, and of full right be conceded to the other contracting party without any compensation.

The two high contracting parties further agree to conform to the principles adopted by the congress of Paris, as announced in the Declaration of the 16th April, 1856, with reference to privateering, to neutral rights of blockade as follows :

1. Privateering is and remains abolished.
2. The neutral flag shall cover the goods of the enemy with the exception of contraband of war.
3. Neutral merchandise with the exception of contraband of war shall not be sequestered under an enemy's flag.
4. Blockades in order to be reorganized must be effective, i. e., they shall be maintained by a force really sufficient to prevent access to the littoral of the enemy.

The present additional Article is considered as an integral part of the treaty of commerce and navigation concluded between the Kingdom of Italy and the Hawaiian Kingdom at Paris, the 22d July, 1865.

It shall have the same force and duration, and it shall be included in the ratifications of the same treaty.

Paris, the 27th February, 1869.

(Signed)            NIGRA.            JOHN BOWRING.

## TREATY WITH RUSSIA.

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ON the 19th of June, 1869, a Convention of Commerce and Navigation was duly entered into by His Excellency C. de Varigny, Minister Plenipotentiary, on behalf of His Hawaiian Majesty, and M. le Comte de Stackelberg, Russian Ambassador in Paris, duly authorized to negotiate in the premises ; which said Convention has been duly ratified, and the ratifications exchanged, on the 1st of December, 1869, and is, word for word, as follows :

ARTICLE 1. There shall be a reciprocal liberty of commerce and navigation between Russia and the Hawaiian Kingdom.

ARTICLE 2. The subjects of His Majesty the Emperor of all the Russias, and the subjects of His Majesty the King of the Hawaiian Islands, shall be treated reciprocally on the footing of the most favored nation.

ARTICLE 3. It is understood, however, that the preceding stipulations do not interfere in any way with the laws, ordinances, and special regulations in matters of commerce, industry and police, that are in force in each of the countries, and that are applicable to all foreigners.

ARTICLE 4. Each of the two contracting parties shall have the power to constitute Consuls General and Consular Agents, in the cities and ports of the States and possessions of the other, which are opened to foreign commerce. The Consuls General and Consular Agents shall not, however, enter upon their functions, except after having been approved of, and duly admitted by the Government near which they are accredited. They shall exercise their functions, and shall enjoy all the pri-

privileges, exemptions and immunities belonging to, or that may be granted to, the Consuls of the most favored nation. In case they should be engaged in trade, they shall not be entitled to the immunities granted to "Consuls Functionnaires."

ARTICLE 5. In case a Russian vessel should be wrecked on the coasts of the Hawaiian Kingdom, or an Hawaiian vessel on the coasts of Russia, the local authorities shall give aid and assistance for the salvage of the cargo, and for its restitution to the owners.

ARTICLE 6. The present Convention of Commerce and of Navigation shall remain in force during ten years from the date of the signature and Act. It may be renewed at the expiration at the term of ten years.

ARTICLE 7. The stipulations contained in the present Act drawn in duplicate in the English and in the French languages, shall obtain the confirmation of the respective Governments, and the declarations to that effect, executed in the usual form, shall be exchanged in Paris, within six months, or sooner, if possible.

Paris, 19 June, 1869.

C. DE VARIGNY.

CTE E. DE STACKELBERG.

All persons are hereby notified that the said Convention is to be regarded, in all its provisions, as part of the public law of the Kingdom, and respected accordingly.

CHAS. C. HARRIS,  
Minister for Foreign Affairs.

## TREATY WITH SPAIN.

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**KNOW ALL MEN**, that whereas His Majesty the King and Her Majesty the Queen of Spain did on the 9th day of October, in the year of Our Lord, Eighteen Hundred and Sixty-three, at London, by their respective Plenipotentiaries, negotiate a Treaty of peace and friendship, which said Treaty is word for word as follows :

Her Majesty the Queen of Spain, on the one part, and His Majesty the King of the Hawaiian Islands on the other part, desiring to facilitate the establishment of commercial relations between Spain and the Hawaiian Islands and to favor their developement by a Treaty of amity, commerce and navigation suited for securing to the two countries equal and reciprocal advantages, have nominated to this purpose for their Plenipotentiaries, that is to say : Her Majesty the Queen of Spain, Don Juan Tomas Comyn, Knight Grand Cross of the Royal Order of Isabella the Catholic, Knight Commander of the Royal and distinguished Order of Charles the Third, Grand Cross of the Order of Phillip the Magnanimous of Hesse, of that of Christ of Portugal, &c., Grand officer of the Legion of Honor of France, Commander of the Order of Our Lady of Villaviciosa of Portugal and of the Red Eagle of Prussia, &c., Chamberlain of Her Catholic Majesty, late Royal Councilor in extraordinary and Her actual Envoy Extraordinary and Minister Plenipotentiary at the Court of Her Britannic Majesty ; and His Majesty the King of the Hawaiian Islands, Sir John Bowring, Knight Bachelor of Great Britain. Who having mutually communicated their powers and found them in good and true form have agreed on the following Articles :

*Article 1.* There shall be perpetual peace and constant friendship between the Kingdom of Spain and that of the Hawaiian Islands and between the citizens of the two countries without exception of person or place.

*Article 2.* There shall be between Spain and the Hawaiian Islands, reciprocal freedom in commerce and navigation. Spaniards in the Hawaiian Islands and Hawaiian subjects in Spain may enter in the same liberty and security with their vessels and cargoes as are enjoyed by the natives of the respective countries in all places, ports and rivers, which are or shall in future be open to foreign commerce, provided always, that the police regulations employed for the protection of the citizens of the most favored nations be respected.

*Article 3.* The citizens of each of the contracting Parties may, like the natives in the respective territories, travel or reside, trade wholesale or retail, let or occupy the houses, stores and shops which they may require; they may carry on the transport of merchandise and money, and receive consignments; they may also, when they have resided more than a year in the country, and their goods, chattels or movables which they there possess shall offer a sufficient security, be admitted as sureties in Custom-House transactions. The citizens of both countries shall on a footing of perfect equality, be free both to purchase and to sell, to establish and to fix the price of goods, merchandise articles of every kind, whether imported or of home manufacture, whether for home consumption or for exportation. They shall also enjoy liberty to carry on their business themselves, to present to the Custom-House their own declarations or to have their place supplied by their own Attorneys, Factors, Consignees, Agents or Interpreters, whether in the purchase or sale of their goods, their property or merchandise, whether for the loading or unloading or of the expedition of their vessels. They shall also have the right to fulfill all the functions that are confided to them by their own countrymen, by strangers or by natives in the position of Attorneys, Factors, Agents, Consignees or Interpreters. For the performance of all these acts they shall conform to all the laws and regulations

of the country and they shall not be subject in any case to any other charges, restrictions, taxes or impositions than those to which the natives are subject, provided always that the police regulations employed for the protection of the citizens of the most favored nations be respected. It is also specially provided that all the advantages of any kind whatever actually granted by the laws and decrees now in force, or which shall in future be accorded to foreign settlers, shall be guaranteed to Spaniards established or who shall establish themselves in whatever positions they may deem fit in the Hawaiian territory, and the same shall hold good for Hawaiian subjects in Spain.

*Article 4.* The respective citizens of the two countries shall enjoy the most constant and complete protection for their persons and property. Consequently they shall have free and easy access to the Courts of Justice in the pursuit and defense of their rights in every instance and degree of jurisdiction established by the laws. They shall be at liberty under any circumstance to employ lawyers, advocates or agents from any class whom they may see fit to authorize to act in their name. In fine, they shall in all respects, enjoy the same rights and privileges, which are granted to natives and they shall be subject to the same conditions.

*Article 5.* Spaniards in the Hawaiian Islands, and Hawaiians in Spain, shall be exempt from all service, whether in the army or navy, or in the national guard or militia, and they can not be subject to any other charges, restrictions, taxes or impositions on their property, furniture or movables, than those to which the natives themselves are subject.

*Article 6.* The citizens of both countries respectively shall not be subject to any embargo, nor to be detained with their vessels, luggage, cargoes, or commercial effects, for any military expedition whatever, nor for any public or private service whatever, unless the Government or local authorities shall have previously agreed with the parties interested that a just indemnity shall be granted for such service, and for such com-

pensation as might fairly be required for the wrong, which not being purely fortuitous, may have grown out of the service which the have voluntarily undertaken.

*Article 7.* Citizens of either of the contracting Parties shall, on the respective territories, have the rights of possessing property of any sort, and disposing of it on the same conditions as native subjects.

Spaniards shall enjoy, in all the Hawaiian territories, the right of collecting and transmitting successions *ab intestato*, or testamentary, as Hawaiians, according to the laws of the country, without being subjected as strangers to any burthen or impost which is not paid by the natives.

Reciprocally, Hawaiian subjects shall enjoy in Spain the right of collecting and transmitting successions *ab intestato*, or testamentary on the same conditions as Spaniards, according to the laws of the country, and without being subject as strangers to any charge or impost not paid by the natives.

The same reciprocity between the citizens of the two countries shall exist for donations *inter vivos*.

On the exportation of property, collected or acquired under any head by Spaniards in the Hawaiian Islands, or by Hawaiians in Spain, there shall be no duty on removal or emigration, nor any duty whatever to which natives are not subjected.

*Article 8.* All Spanish or Hawaiian vessels sailing under their respective colors, and which shall be bearers of the ship's papers and documents required by the laws of their respective countries, shall be considered as national vessels.

*Article 9.* Spanish vessels which shall arrive either in ballast or laden, in Hawaiian ports, or which shall leave the same, and, reciprocally, Hawaiian vessels which either in ballast or laden, enter or leave the ports of Spain, whether by sea, or by rivers or canals, whatever be the place of their departure or that of their destination, shall not be subject, either at entry or departure, to duties on tonnage, port or transit, pilotage, anchorage, shifting, light-house, sluice, canals, quarantine, salvage, bonding warehouses, patent, brokerage, navigation, passage, or

to any duties or charges whatever levied on the hulks of vessels received or established for the benefit of the Government of the public functionaries, communes or establishment of any sort, other than those which are now, or may hereafter be levied on national vessels.

*Article 10.* In all that regards the stationing, the loading and unloading of vessels in the ports, road-steads, harbors and docks, and generally for all the formalities and arrangements whatever to which vessels employed in commerce with their freight and loading may be subject, it is agreed that no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country, the intention of the high contracting parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

*Article 11.* Vessels of the subjects of the contracting Parties, compelled to seek shelter in the ports of the other, shall pay neither on the vessels nor the cargo, more duties than those levied on national vessels in the same situation, provided that the necessity of such shelter seeking be legally shown; that the vessel shall carry on no commercial speculations, and that it will tarry no longer than is required by the motives which impelled it to enter the port.

*Article 12.* Spanish ships of war and whaling ships shall have free access to all the open Hawaiian ports; they may there anchor, be repaired, and victual their crews; they may proceed from one harbor to another of the Hawaiian Islands for fresh provisions. At all the ports which are or may be hereafter opened to foreign vessels, Spanish ships of war and whalers, shall be subject to the same rules which are or may be imposed, and shall enjoy in all respects the same rights, privileges and immunities which are or may be granted to Hawaiian ships and whalers, or to those of the most favored nation.

*Article 13.* Articles of all sorts imported into the ports of either of the contracting States under the flag of the other, whatever be their origin, and from whatever country imported, shall pay neither other nor heavier duties of entry, and shall



not be subjected to any other charges than those imposed on vessels under the flag of the most favored nation.

*Article 14.* Spanish ships in the Hawaiian Islands, and Hawaiian ships in Spain, may discharge a portion of their cargo in the port of their first arrival, and proceed with the rest of their cargo to other ports of the same country which may be open to foreign trade, whether to complete their unloading, or to provide their return cargo, and shall pay in neither port other or heavier duties than those levied on national vessels in similar circumstances.

As regards the coasting trade, the vessels of each country shall be mutually treated on the same footing as the most favored nation.

*Article 15.* During the period allowed by the laws of the two countries for the ware-housing of goods, no other duties than those for custody and storage shall be levied upon articles imported from one of the two countries into the other, until they shall be removed for transit, re-exportation or internal consumption. In no case shall such articles pay higher duties, or be liable to other formalities than if they had been imported under the national flag, or from the most favored country.

*Article 16.* Merchandise shipped on board Spanish or Hawaiian ships, or belonging to their respective citizens, may be transhipped in the ports of the two countries to a vessel bound for a national or foreign port, according to the Custom House regulations of the two countries, and the goods so transported for other ports shall be exempt from all duties of Custom or ware-house.

*Article 17.* Articles of all sorts proceeding from Spain or shipped for Spain, shall enjoy in their passage through the territory of the Hawaiian Islands, whether in direct transit or for re-exportation, all the advantages possessed under the same circumstances by the most favored nation.

Reciprocally, the articles of every sort proceeding from the Hawaiian Islands or sent for that country shall enjoy, in

their passage through Spain, the same advantages as are possessed by the most favored nation.

*Article 18.* Neither one nor the other of the contracting parties will impose upon the goods proceeding from the soil, the manufactures or the ware-houses of the other, different or greater duties on importation or re-exportation than those which shall be imposed on the same merchandise coming from any other foreign country. Nor shall there be imposed on the goods exported from one country to the other, different or higher duties than if they were exported to any other foreign country. No restriction or prohibition of importation or exportation shall take place in the reciprocal commerce of the contracting parties which shall not be equally extended to all other nations.

*Article 19.* Consuls General, Consuls, Vice Consuls and Consular Agents, may be established by each country in the other for the protection of commerce; such Agents shall not enter upon their functions or enjoyment of the rights, privileges or immunities which belong to them, until they have obtained the authorization of the territorial Government, which shall, besides, preserve the right of determining the place of residence where consuls may be established; it being understood that neither Government will impose any restriction which is not common in the country to all nations.

*Article 20.* The Consuls General, Consuls, Vice Consuls and Consular Agents of Spain in the Hawaiian Islands, shall enjoy all the privileges, immunities and exemptions, enjoyed by the agents of the most favored nation in the same circumstances. And the same shall be the position in Spain of the Hawaiian Consuls General, and Consular Agents.

*Article 21.* The desertion of Seamen, embarked in the vessels of either of the contracting parties, shall be severely dealt with in their respective territories. In consequence, the Spanish Consuls shall have the power to cause to be arrested and sent on board, or to Spain, Seamen who may have deserted Spanish vessels in the Hawaiian ports. But for this pur-

pose they must apply to the competent local authorities, and justify, by the exhibition of the original or the duly certified copy of the ship's register, the roll or other official documents, to prove that the persons named formed part of the ship's crew. On this application so supported, the delivery of the Seamen shall not be refused.

All aid and assistance shall be given for the discovery and arrest of such deserters, who shall be detained in the prisons of the country, on the requirement and at the expense of the Consuls, until they shall find an opportunity of sending them away.

If, however, no opportunity shall offer in the course of two months, counting from the day of arrest, the deserters may be set at liberty.

It is understood, that Seamen who are native Hawaiians shall be excepted from this arrangement, and be treated according to the laws of their own country.

If the deserter has committed any crime in the Hawaiian territory, his release shall not take place till the competent tribunal shall have given judgment, and this judgment been carried into execution.

Hawaiian Consuls shall possess exactly the same rights in Spain, and it is formally agreed between the two contracting parties, that every other favor or facility granted or to be granted by either to any other power for the arrest of deserters, shall be also granted to the present contracting parties, as fully as if they had formed part of the present treaty.

*Article 22.* All operations connected with the salvage of stranded or wrecked Spanish vessels in the Hawaiian coasts, shall be superintended by the Consular Agents of Spain, and reciprocally, the Consular Hawaiian Agents shall superintend the operations connected with the salvage of Hawaiian vessels stranded or wrecked on the Spanish coast.

But if the parties interested find themselves on the spot, or the Captains possess adequate powers, the administration of the wreck shall be committed to them.

The intervention of the local authorities shall only be applied to the maintenance of order, to guarantee the rights of the salvors if they do not belong to the shipwrecked crew, and to assure the execution of the measures to be taken for the entry and departure of the saved Goods.

In the absence and until the arrival of the Consular Agents, the local authorities will take the needful steps for the protection of persons and property wrecked.

The goods saved shall never be subjected to Customs or other duty, unless they are disposed of for home consumption.

*Article 23.* The ships, merchandise and effects belonging to the respective citizens which may have been taken by pirates, or conveyed to or found in the ports of either of the contracting parties, shall be delivered to their owners on payment of the expenses, should there be such; the amount to be determined by the competent tribunals, when the rights of the proprietor shall be proved before these tribunals, and the claim being made within the space of eighteen months by the interested parties, by their attorneys, or by the Agents of their respective Governments.

*Article 24.* If, from a concurrence of unfortunate circumstances, differences between the contracting parties should cause an interruption the relations of friendship between them, and that after having exhausted the means of an amicable and conciliatory discussion the object of their mutual desire should not have been completely attained, the arbitration of a third power, equally the friend of both, shall, by a common accord, be appealed to in order to avoid, by this means, a definitive rupture.

*Article 25.* Hawaiian subjects shall enjoy, in the Ultramarine possessions of Spain, the advantages which are conceded to the subjects of the most favored nation, and in the same possessions, the stipulations of this treaty shall have effect when not openly opposed to the special legislation there existing.

*Article 26.* All vessels bearing the flag of Spain, shall, in time of war, receive every possible protection, short of active hostility, within the ports and waters of the Hawaiian Islands, and Her Majesty the Queen of Spain engages to respect, in time of war, the neutrality of the Hawaiian Islands, and to use her good offices with all the other powers having treaties with the same, to induce them to adopt the same policy toward the said Islands.

*Article 27.* The present Treaty shall be in vigor for ten years, to commence six months after the exchange of the ratifications.

If, a year before the expiration of this term, neither of the contracting parties shall have announced by an official declaration its intention of terminating it, the Treaty shall still remain in force for a year, and so continue from year to year.

*Article 29.* The present Treaty shall be ratified, and the ratification exchanged at London within the space of eighteen months, or earlier if may be.

In faith whereof the respective Plenipotentiaries have signed the same, and thereto affixed their seals.

Done in duplicate London, this Twenty-ninth day of October, in the year of Our Lord One Thousand Eight Hundred and Sixty-three.

[L. S.] Firmado.

(Signed,)

JUAN T. COMYN.

JOHN BOWRING.

AND, WHEREAS, The said Treaty has been now duly ratified by His Majesty the King, and His Highness the Regent of Spain, and ratifications exchanged, the said Treaty has become a part of the law of this Kingdom, and all the provisions thereof are to be observed.

Foreign Office, Sept. 2, 1870.

CHAS. C. HARRIS,  
Minister for For'n Affairs.

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